(15)

No. 03-1693

Supreme Court, U.S.
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In The
Supreme Court of the United States

McCREARY COUNTY, KENTUCKY;
JIMMIE GREENE as McCreary County Judge Executive;
PULASKI COUNTY, KENTUCKY; DARREL BESHEARS
as Pulaski County Judge Executive,

Petitioners,

v.

ACLU OF KENTUCKY, ET AL.,

Respondents.

On Writ Of Certiorari To The United States Court Of Appeals For The Sixth Circuit

AMICUS BRIEF OF AMERICAN LIBERTIES INSTITUTE, CHRISTIANS REVIVING AMERICA'S VALUES AND DON SWARTHOUT IN SUPPORT OF PETITIONERS

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INTEREST OF *AMICI*[1]

American Liberties Institute, Christians Reviving America's Values and Don Swarthout file this *amici curiae* brief in support of the Petitioners to assist this Court in rendering a decision in the instant case. American Liberties Institute is currently litigating cases which present issues that are similar to that which is pending before this Court in this case. American Liberties Institute is often contacted to assist both government and private parties in an effort to balance religious expression within a historical framework. American Liberties Institute, Christians Reviving America's Values and Don Swarthout submit this *amici curiae* brief in support of Petitioners in order to safeguard religious speech within a public fora.

American Liberties Institute is a non-profit civil liberties education and legal defense organization created to defend and protect constitutional liberties. American Liberties Institute's activities include educating the public regarding civil liberties and the interaction between law and individual freedoms. As part of advancing American Liberties Institute's purpose, education is provided through interaction with attorneys and members of the academic community, publication of articles and journals in law reviews, providing legal counsel where appropriate, and filing *amicus curiae* briefs on a variety of issues.

Christians Reviving America's Values is a non-profit organization whose objectives are to educate the public about America's Christian heritage and to assist individuals and organizations in safeguarding constitutional liberties similar to those in danger of being infringed upon in the instant case.

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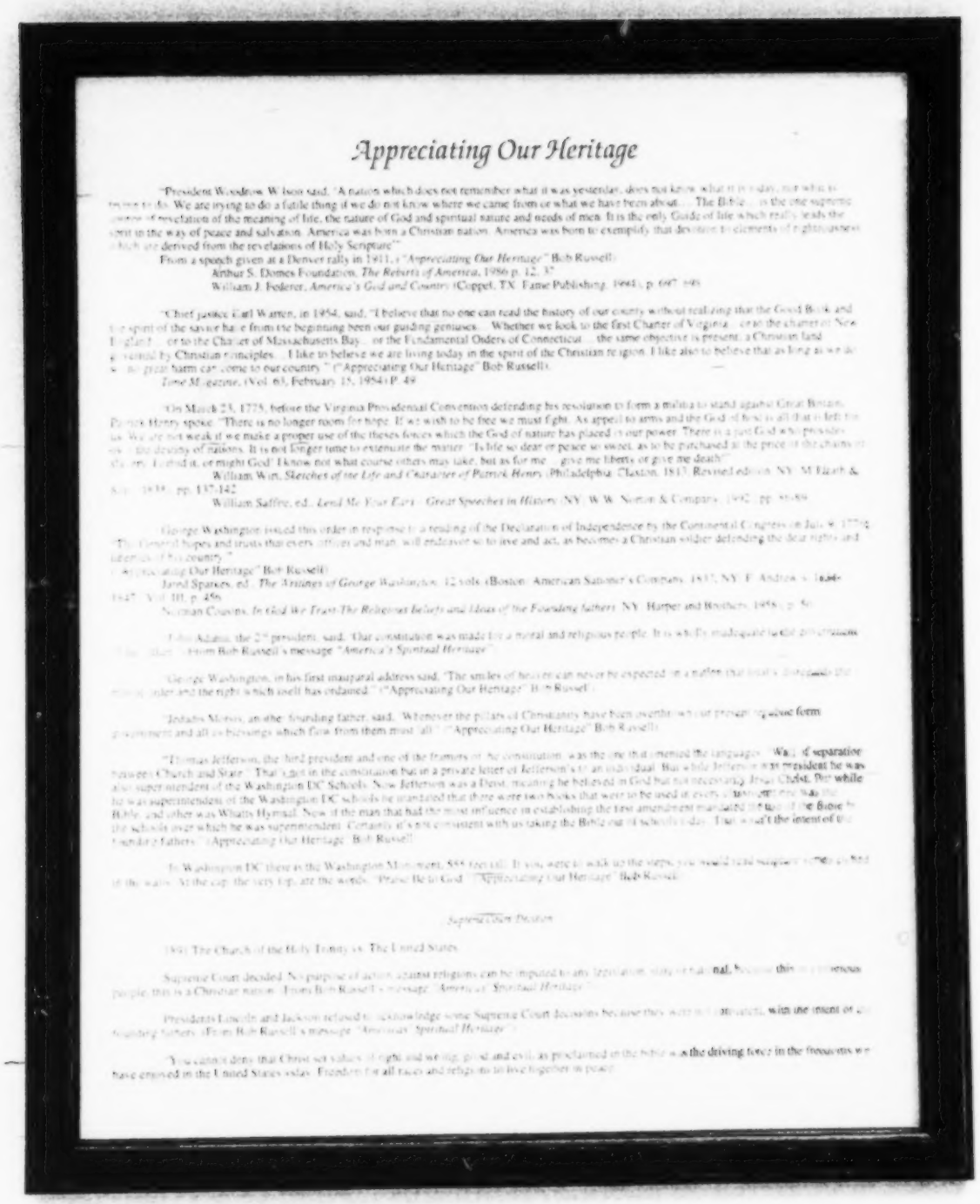
[1] This brief is authored solely by counsel for *amici curiae*. This brief is filed with permission of the Petitioners and a copy of the letter of consent is filed herewith. The Respondent has filed a global consent letter with the Court.

SUMMARY OF THE ARGUMENT

The purpose of this *amicus curiae* brief is to demonstrate to the Court, through a sampling of photographs, some of the historical documents that were erected in both McCreary and Pulaski County Courthouses. The sampling of photographs of the historical documents clearly demonstrate to the Court that the Ten Commandments were properly erected within a historical context in both courthouses. Accordingly, the Sixth Circuit should be reversed.

McCreary County Courthouse Seal 1912 in a courtroom of McCreary County Courthouse



Appreciating Our Heritage

"President Woodrow Wilson said, 'A nation which does not remember what it was yesterday, does not know what it is today, nor what it is to do. We are trying to do a futile thing if we do not know where we came from or what we have been about.... The Bible ... is the one supreme source of revelation of the meaning of life, the nature of God and spiritual nature and needs of men. It is the only Guide of life which really leads the spirit in the way of peace and salvation. America was born a Christian nation. America was born to exemplify that devotion to elements of righteousness which are derived from the revelations of Holy Scripture'"

From a speech given at a Denver rally in 1911, c "*Appreciating Our Heritage*" Bob Russell:

Arthur S. Domes Foundation, *The Rebirth of America*, 1986 p. 12, 37

William J. Federer, *America's God and Country* (Coppel, TX: Fame Publishing, 1994), p. 667, 668

"Chief justice Earl Warren, in 1954, said, 'I believe that no one can read the history of our country without realizing that the Good Book and the spirit of the savior have from the beginning been our guiding geniuses.... Whether we look to the first Charter of Virginia ... or the charter of New England ... or to the Charter of Massachusetts Bay ... or the Fundamental Orders of Connecticut ... the same objective is present: a Christian land governed by Christian principles.... I like to believe we are living today in the spirit of the Christian religion. I like also to believe that as long as we do ... no great harm can come to our country.'" ("Appreciating Our Heritage" Bob Russell).

Time Magazine, (Vol. 63, February 15, 1954) P. 49

"On March 23, 1775, before the Virginia Providential Convention defending his resolution to form a militia to stand against Great Britain, Patrick Henry spoke. 'There is no longer room for hope. If we wish to be free we must fight. As appeal to arms and the God of hosts is all that is left for us. We are not weak if we make a proper use of the theses forces which the God of nature has placed in our power. There is a just God who presides ... the destiny of nations. It is not longer time to extenuate the matter. "Is life so dear or peace so sweet, as to be purchased at the price of the chains of slavery. Forbid it, or might God! I know not what course others may take, but as for me ... give me liberty or give me death!'"

William Wirt, *Sketches of the Life and Character of Patrick Henry*, (Philadelphia: Claxton, 1817. Revised edition, NY: M Fisch & Co., 1836), pp. 137-142

William Safire, ed., *Lend Me Your Ears - Great Speeches in History*, NY: W.W. Norton & Company, 1992, pp. 93-99

George Washington issued this order in response to a reading of the Declaration of Independence by the Continental Congress on July 9, 1776: "The General hopes and trusts that every officer and man will endeavor so to live and act, as becomes a Christian soldier defending the dear rights and liberties of his country."

("Appreciating Our Heritage" Bob Russell)

Jared Sparkes, ed., *The Writings of George Washington*, 12 vols (Boston: American Stationer's Company, 1837, NY: F. Andrews, 1846-1847), Vol. III, p. 456

Norman Cousins, *In God We Trust The Religious beliefs and Ideas of the Founding fathers*, NY: Harper and Brothers, 1958, p. 50

John Adams, the 2nd president, said, 'Our constitution was made for a moral and religious people. It is wholly inadequate to the government of any other.' (From Bob Russell's message "*America's Spiritual Heritage*")

George Washington, in his first inaugural address said, 'The smiles of heaven can never be expected on a nation that disregards the eternal rules of order and the rights which itself has ordained.' ("Appreciating Our Heritage" Bob Russell)

Joshua Morris, an other founding father, said, 'Whenever the pillars of Christianity have been overthrown or greatly weakened, every form of government and all its blessings which flow from them must fall.' ("Appreciating Our Heritage" Bob Russell)

"Thomas Jefferson, the third president and one of the framers of the constitution, was the one that invented the language 'Wall of separation between Church and State.' That's not in the constitution but in a private letter of Jefferson's to an individual. But while Jefferson was president he was also superintendent of the Washington DC Schools. Now Jefferson was a Deist, meaning he believed in God but not necessarily Jesus Christ. But while he was superintendent of the Washington DC schools he mandated that there were two books that were to be used in every classroom: the Holy Bible and other was Whatts Hymnal. Now if the man that had the most influence in establishing the first amendment mandated the Holy Bible in the schools over which he was superintendent. Certainly it's not consistent with us taking the Bible out of schools today. That wasn't the intent of the Founder's fathers." ("Appreciating Our Heritage" Bob Russell)

In Washington DC there is the Washington Monument, 555 feet tall. If you were to walk up the steps you would find inscription carved in the stone. At the cap, the very top, are the words, "Praise Be to God." ("Appreciating Our Heritage" Bob Russell)

Supreme Decision

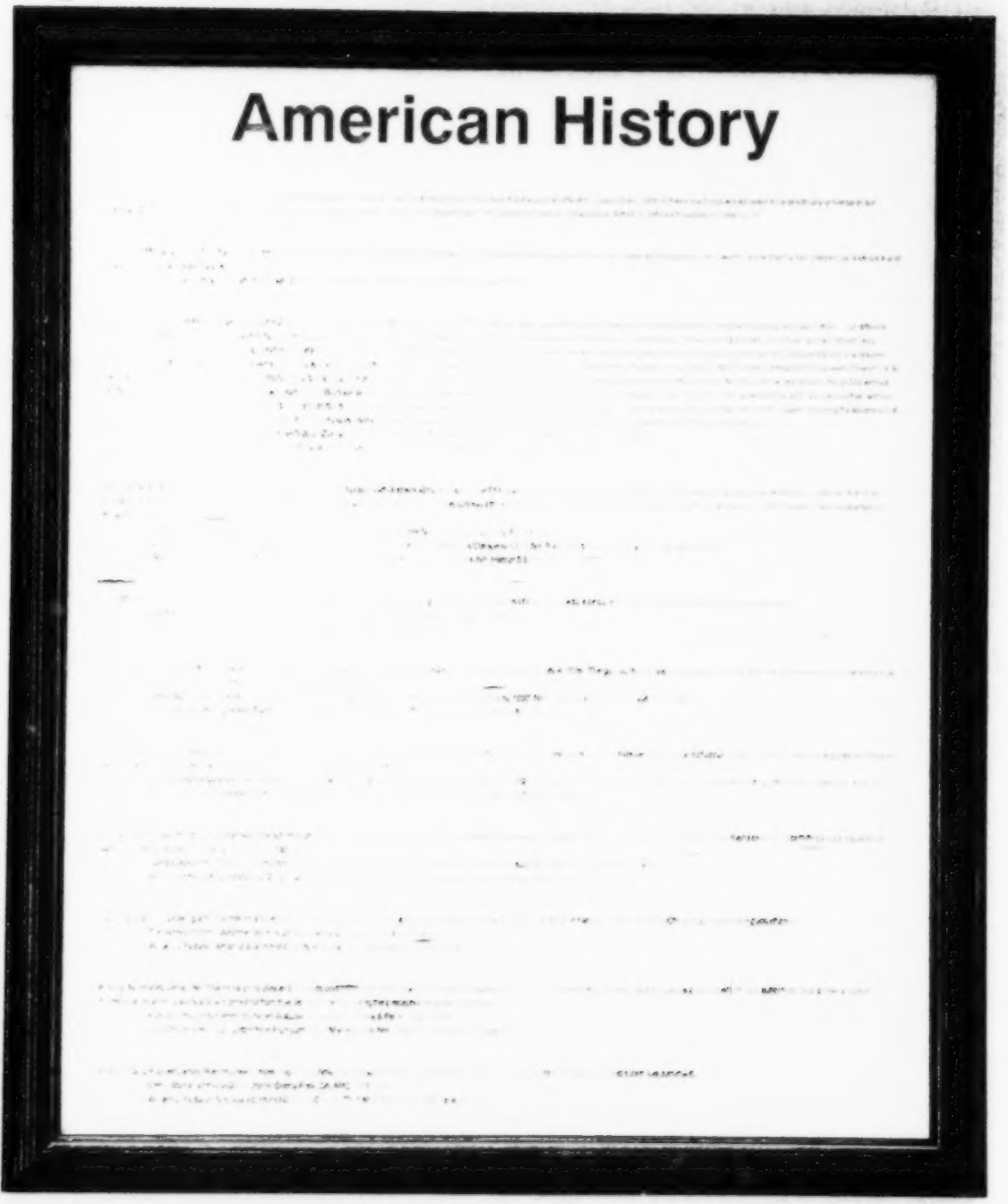
1892 The Church of the Holy Trinity vs. The United States

Supreme Court decided: No purpose of action against religions can be imputed to any legislation, state or national, because this is a religious people, this is a Christian nation. (From Bob Russell's message "*America's Spiritual Heritage*")

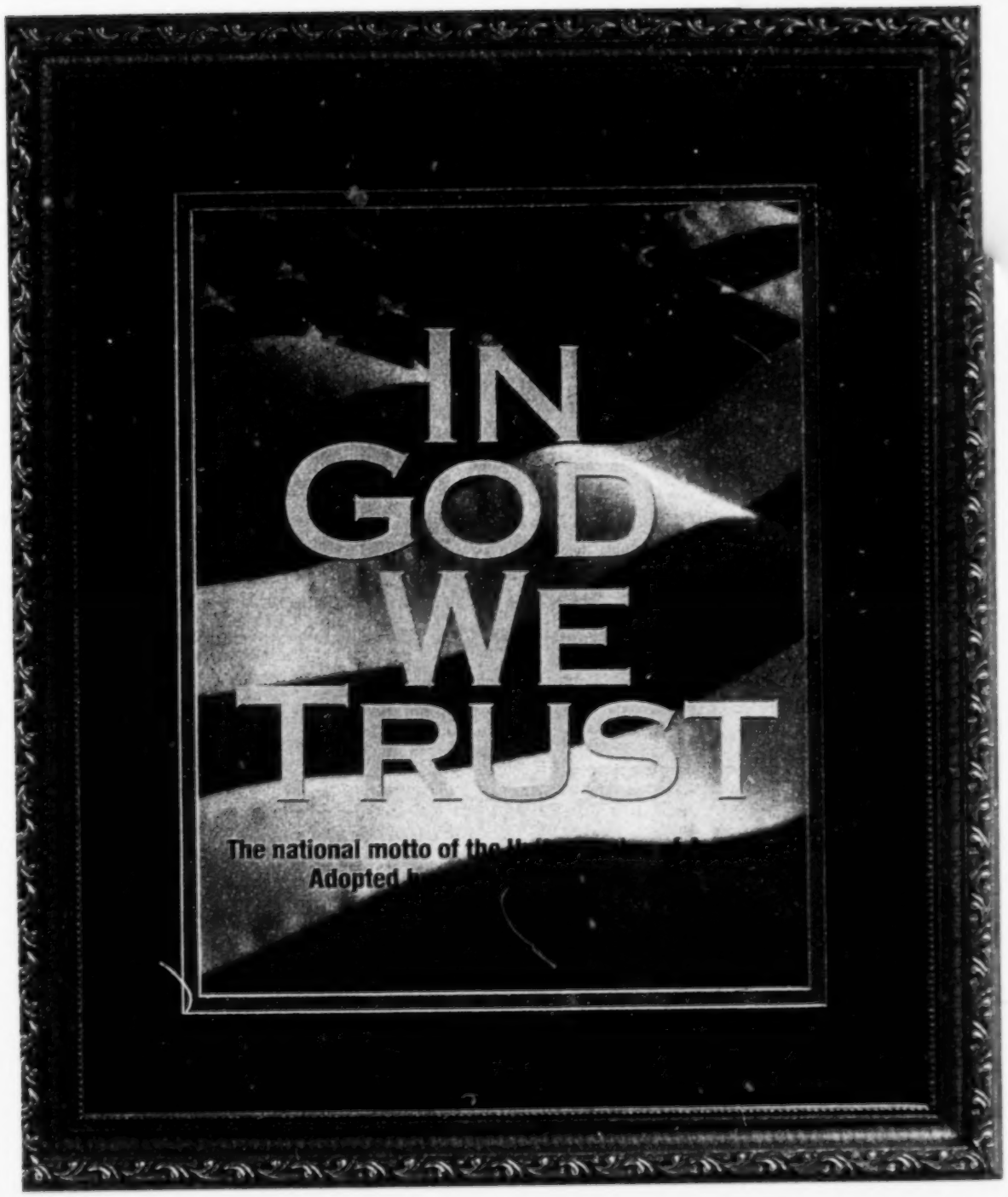
Presidents Lincoln and Jackson refused to acknowledge some Supreme Court decisions because they were not in accords with the intent of the founding fathers. (From Bob Russell's message "*America's Spiritual Heritage*")

"You cannot deny that Christ set values of right and wrong, good and evil, as proclaimed in the bible was the driving force in the freedoms we have enjoyed in the United States today. Freedom for all races and religions to live together in peace."

Appreciating of Our Heritage



Our American History



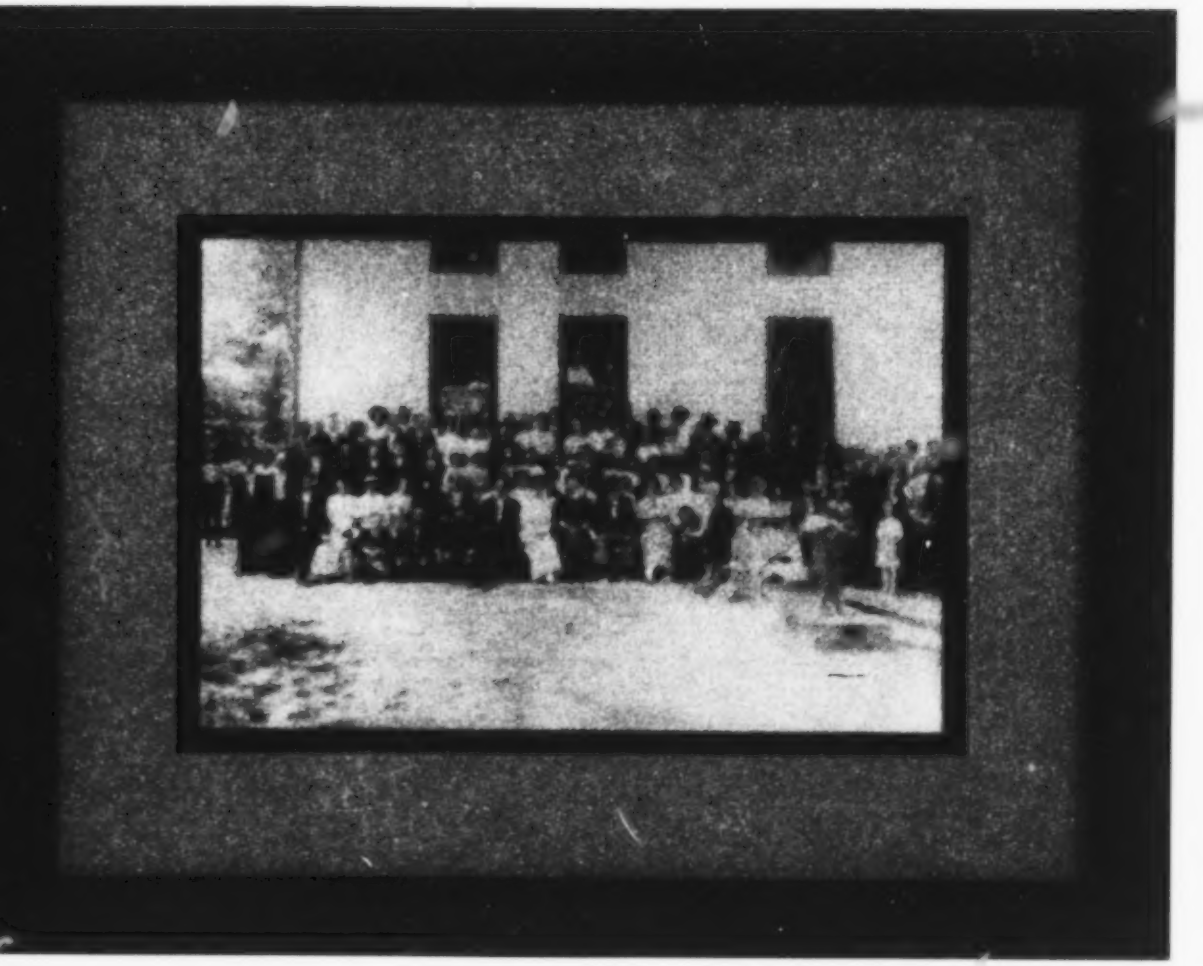
National Motto Plaque given to McCreary County
by Dr. and Mrs. Scotty Little on Veterans Day 2001

6

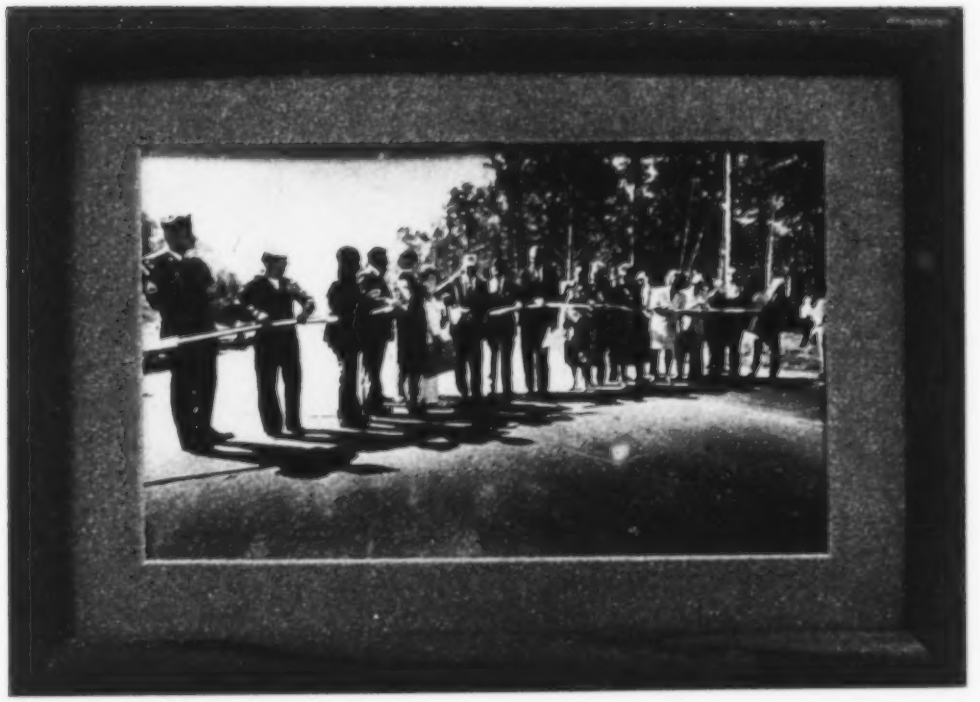
United States flag that flew over Bagram,
Afghanistan, on August 31, 2003.
Presented to McCreary County by
District Court Judge Daniel Ballou

7

Wilburn K. Ross a Medal of Honor winner
from Strunk, Kentucky in McCreary County



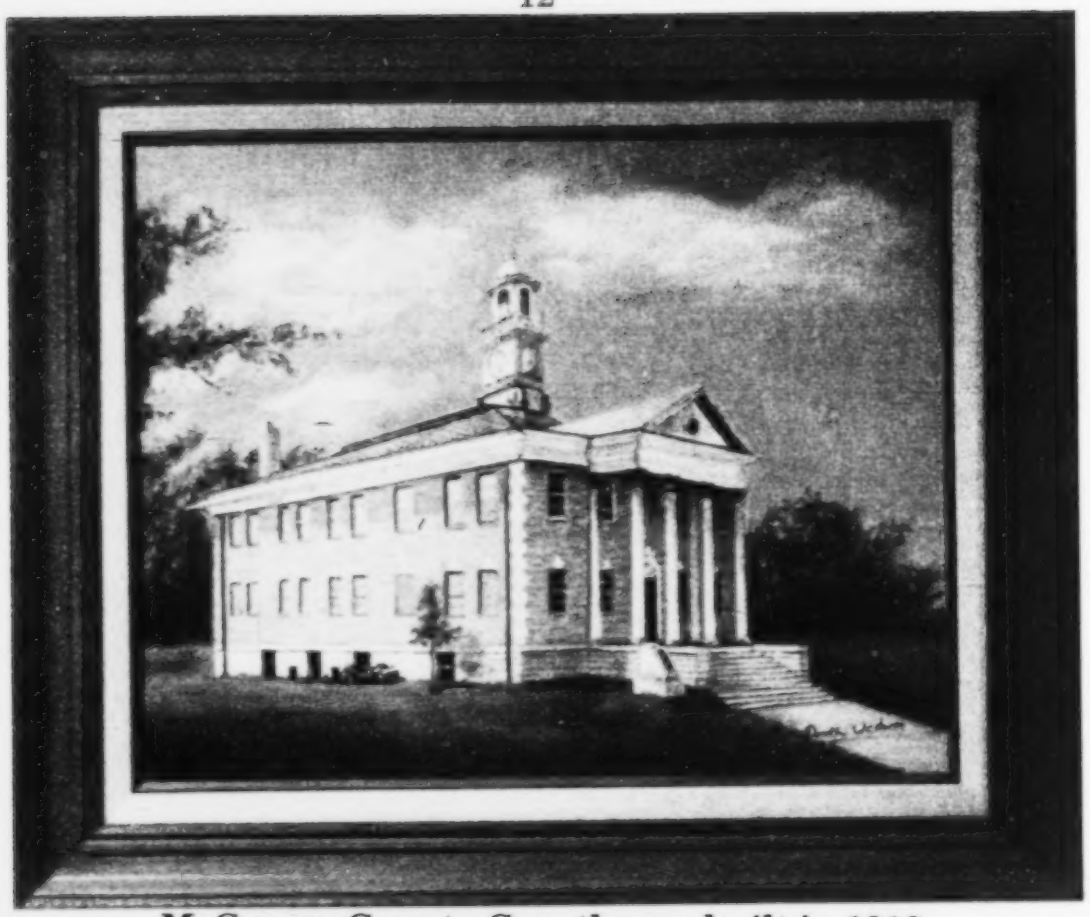
Members of McCreary County Courthouse staff



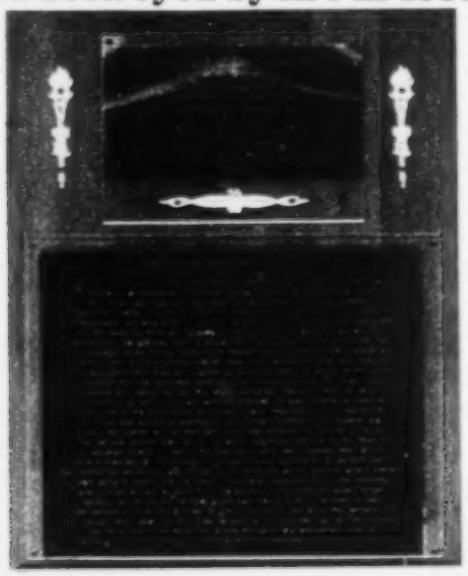
Ceremony showing naming of road after William K. Ross

Portrait of Governor James Bennett McCreary, 27th and 37th governor of Kentucky, completed in 1980

Plaque awarded to Elmer Boggs who was a McCreary County Extension Agent from 1956-1980

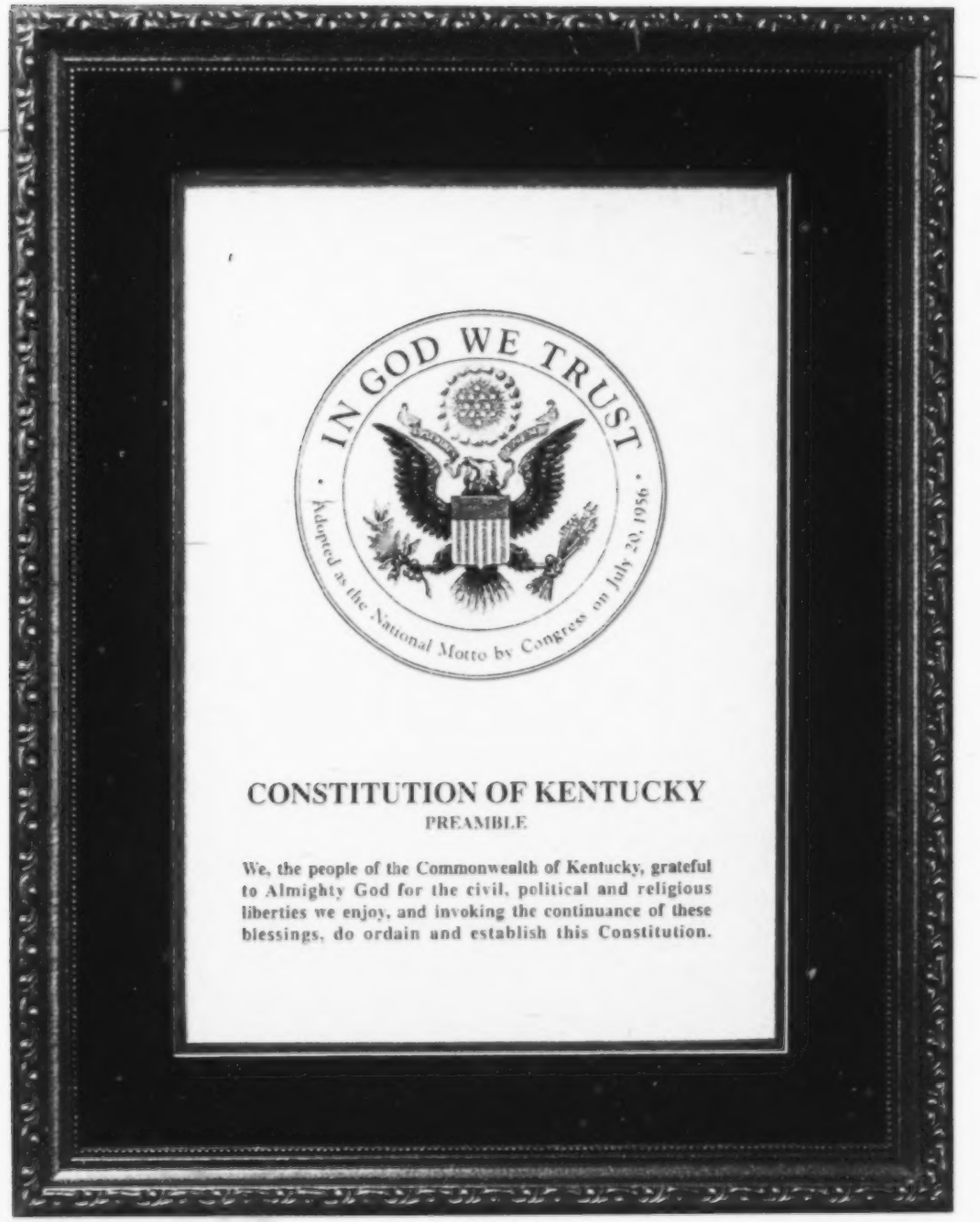


McCreary County Courthouse built in 1912 and destroyed by fire in 1930's

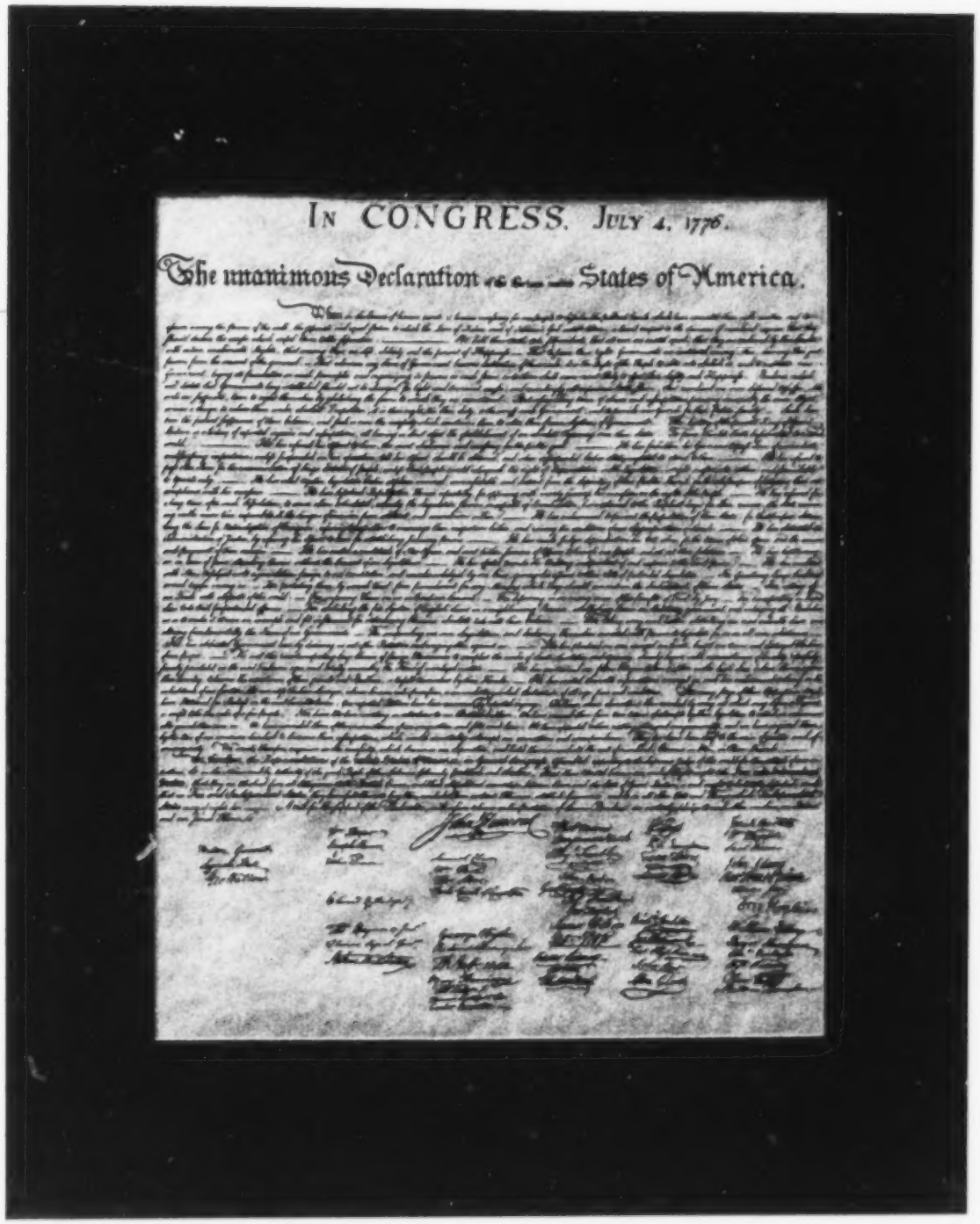


Citation given to Wilburn K. Ross

McCreary County Courthouse built in 1930's and destroyed by fire in late 1950's


IN GOD WE TRUST
Adopted as the National Motto by Congress on July 30, 1956
CONSTITUTION OF KENTUCKY
PREAMBLE
We, the people of the Commonwealth of Kentucky, grateful to Almighty God for the civil, political and religious liberties we enjoy, and invoking the continuance of these blessings, do ordain and establish this Constitution.

Preamble to Kentucky Constitution



Declaration of Independence in a courtroom of McCreary County Courthouse

THE KENTUCKY SEVERE STORMS PREPAREDNESS PROGRAM

CERTIFICATE OF COMMENDATION

Issued to

McCreary County Emergency Management

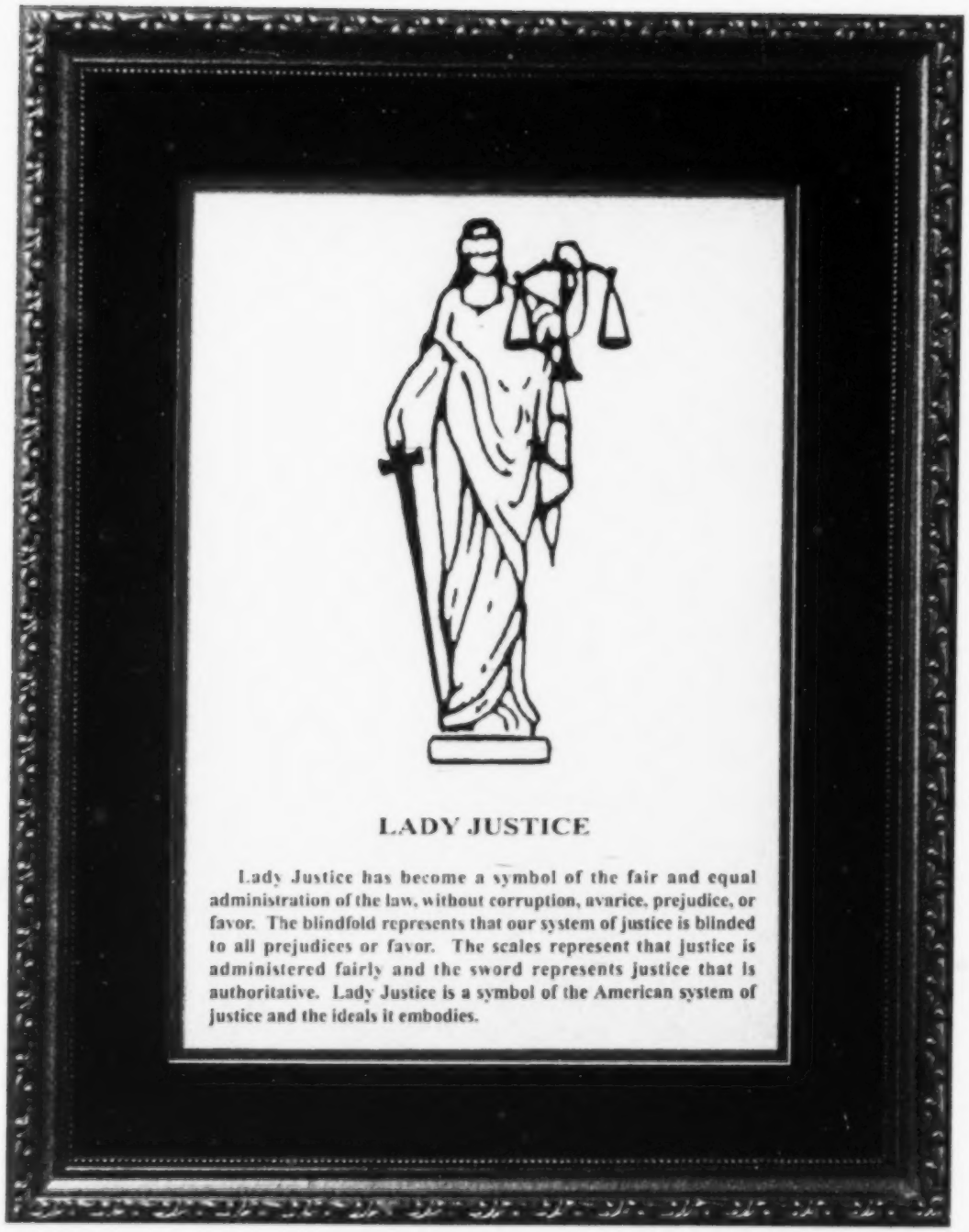
For participation in the

1999 Severe Storms Awareness Campaign.

Presented June 14, 1999

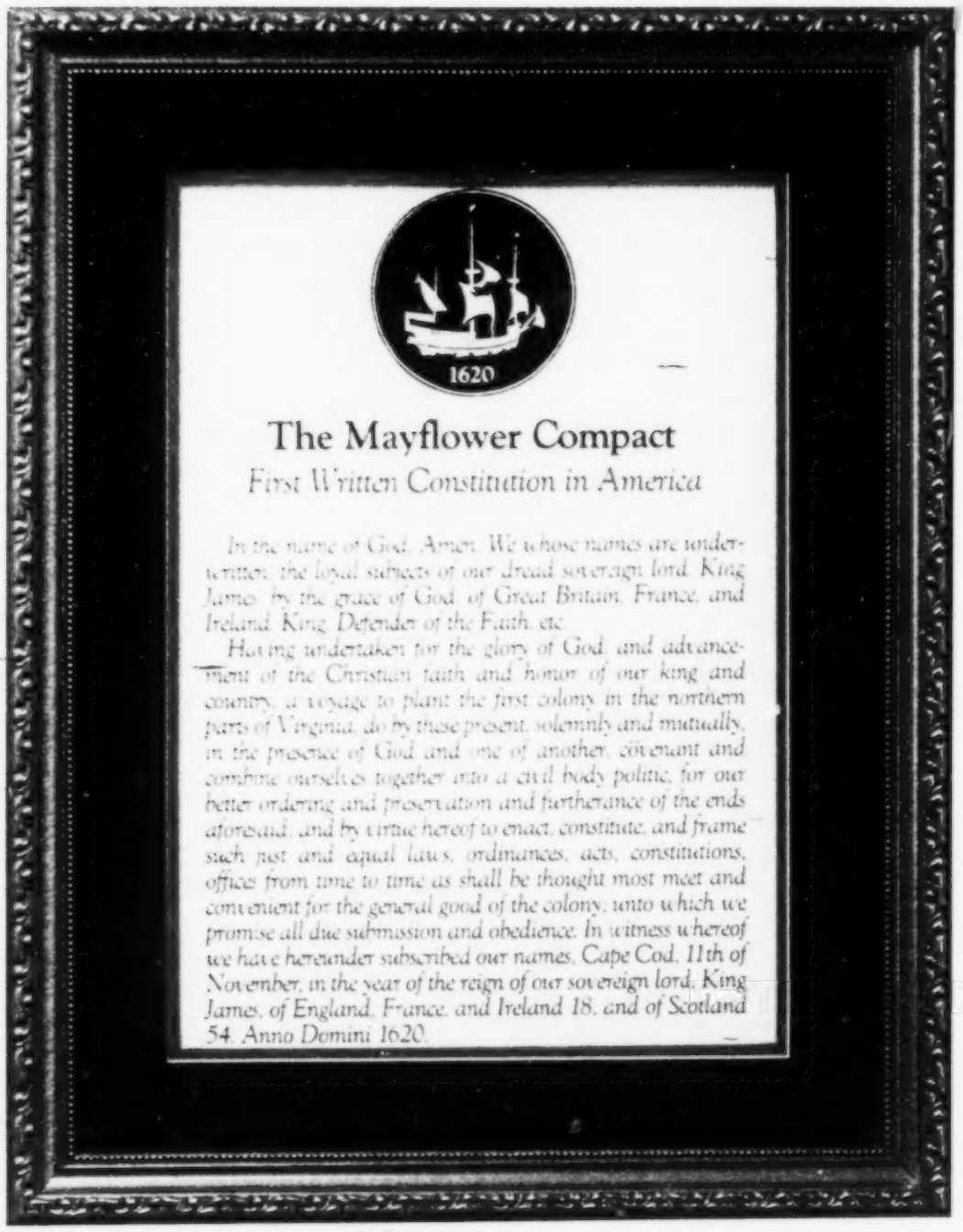
Severe Storms Preparedness Program
Committee Chair

Certificate of Commendation in a courtroom of McCreary County Courthouse

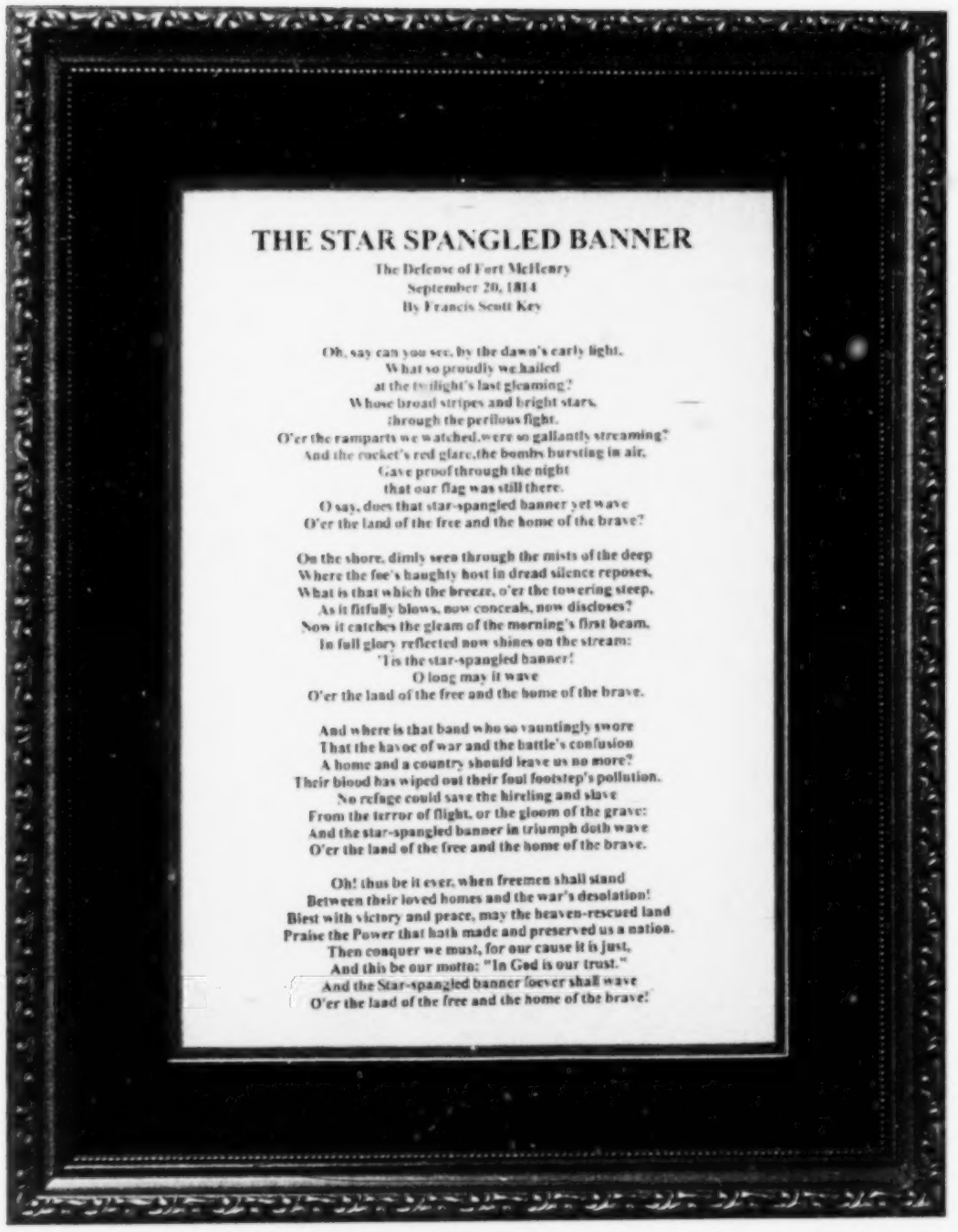

LADY JUSTICE

Lady Justice has become a symbol of the fair and equal administration of the law, without corruption, avarice, prejudice, or favor. The blindfold represents that our system of justice is blinded to all prejudices or favor. The scales represent that justice is administered fairly and the sword represents justice that is authoritative. Lady Justice is a symbol of the American system of justice and the ideals it embodies.

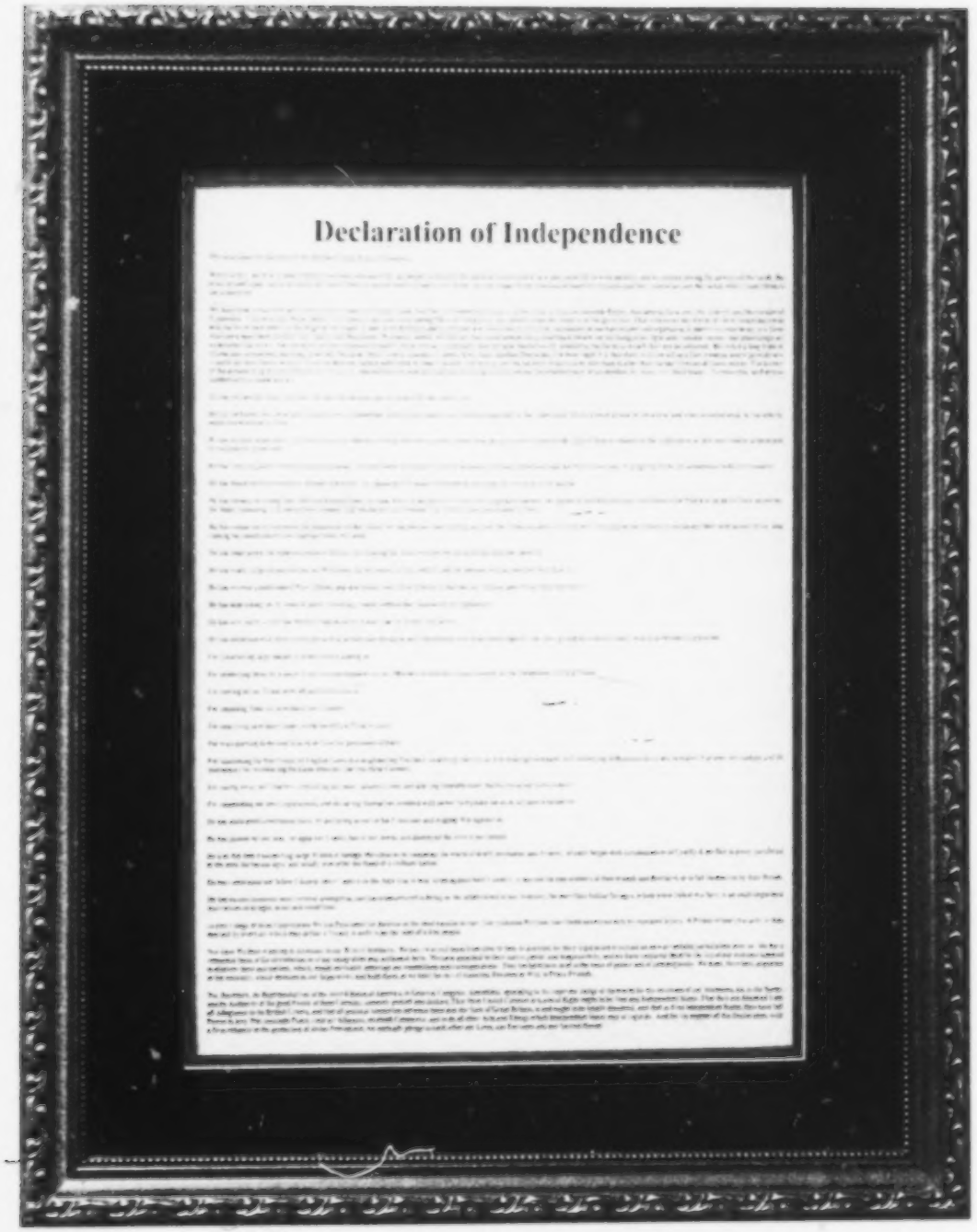
Lady Justice


1620
The Mayflower Compact
First Written Constitution in America
In the name of God, Amen. We whose names are underwritten, the loyal subjects of our dread sovereign lord, King James, by the grace of God, of Great Britain, France, and Ireland King, Defender of the Faith, etc.
Having undertaken for the glory of God, and advancement of the Christian faith and honor of our king and country, a voyage to plant the first colony in the northern parts of Virginia, do by these present, solemnly and mutually, in the presence of God and one of another, covenant and combine ourselves together into a civil body politic, for our better ordering and preservation and furtherance of the ends aforesaid; and by virtue hereof to enact, constitute, and frame such just and equal laws, ordinances, acts, constitutions, offices from time to time as shall be thought most meet and convenient for the general good of the colony, unto which we promise all due submission and obedience. In witness whereof we have hereunder subscribed our names. Cape Cod, 11th of November, in the year of the reign of our sovereign lord, King James, of England, France, and Ireland 18, and of Scotland 54. Anno Domini 1620.

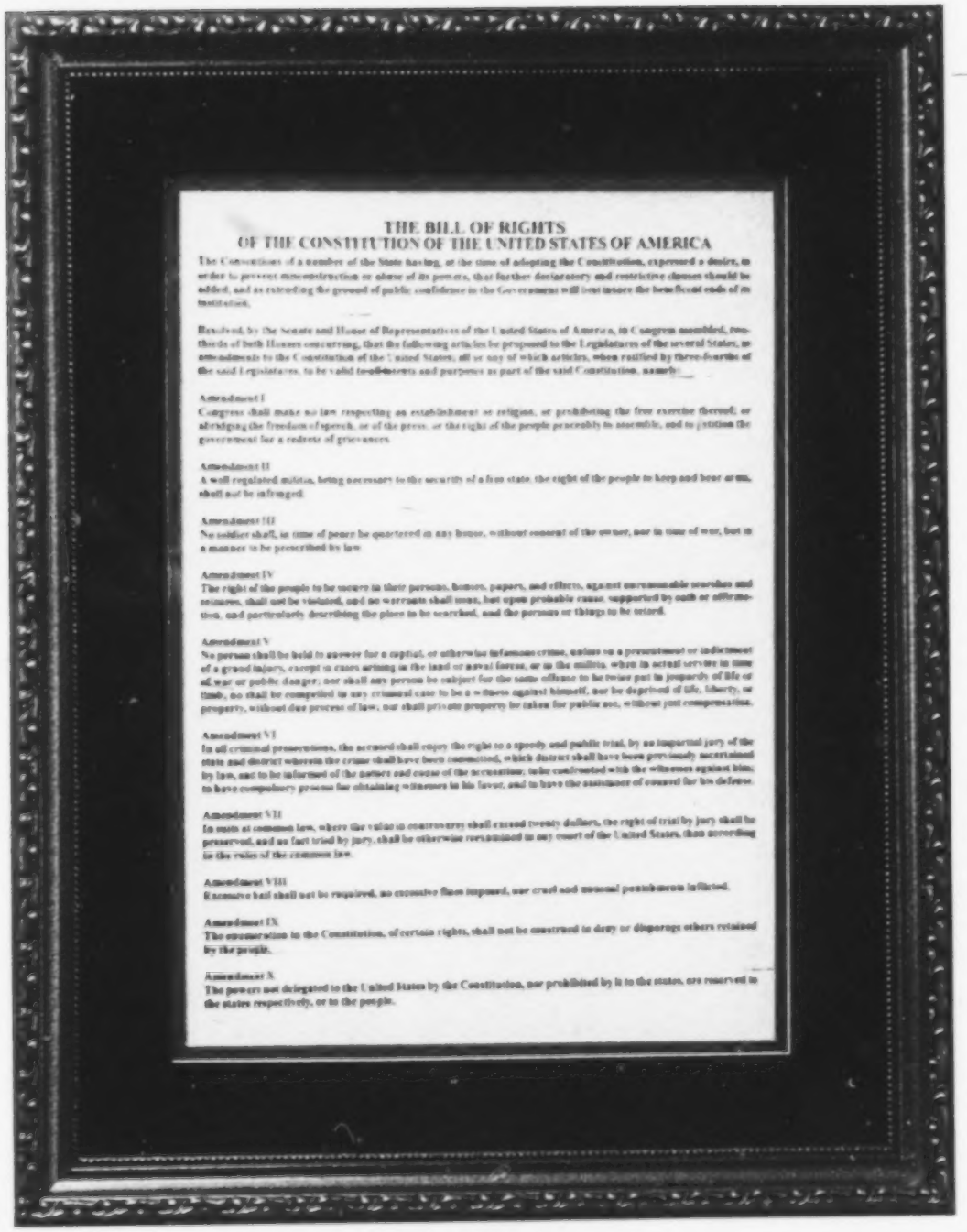
Mayflower Compact


THE STAR SPANGLED BANNER
The Defense of Fort McHenry
September 20, 1814
By Francis Scott Key
Oh, say can you see, by the dawn's early light,
What so proudly we hailed
at the twilight's last gleaming?
Whose broad stripes and bright stars,
through the perilous fight,
O'er the ramparts we watched, were so gallantly streaming?
And the rocket's red glare, the bombs bursting in air,
Gave proof through the night
that our flag was still there.
O say, does that star-spangled banner yet wave
O'er the land of the free and the home of the brave?
On the shore, dimly seen through the mists of the deep
Where the foe's haughty host in dread silence reposes,
What is that which the breeze, o'er the towering steep,
As it fitfully blows, now conceals, now discloses?
Now it catches the gleam of the morning's first beam,
In full glory reflected now shines on the stream:
'Tis the star-spangled banner!
O long may it wave
O'er the land of the free and the home of the brave.
And where is that band who so vauntingly swore
That the havoc of war and the battle's confusion
A home and a country should leave us no more?
Their blood has wiped out their foul footstep's pollution.
No refuge could save the hireling and slave
From the terror of flight, or the gloom of the grave:
And the star-spangled banner in triumph doth wave
O'er the land of the free and the home of the brave.
Oh! thus be it ever, when freemen shall stand
Between their loved homes and the war's desolation!
Blest with victory and peace, may the heaven-rescued land
Praise the Power that hath made and preserved us a nation.
Then conquer we must, for our cause it is just,
And this be our motto: "In God is our trust."
And the Star-spangled banner forever shall wave
O'er the land of the free and the home of the brave!

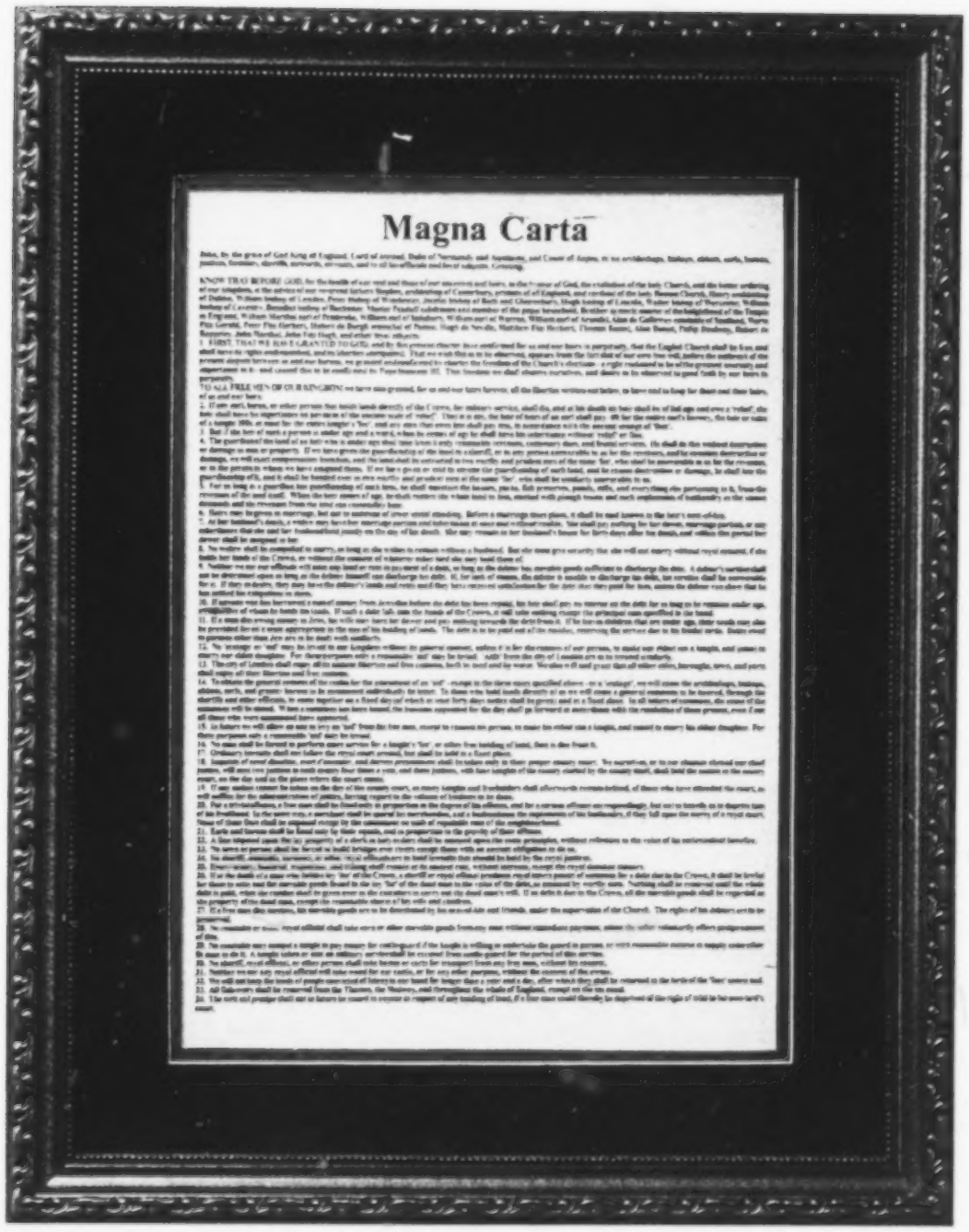
Star Spangled Banner



Declaration of Independence



Bill of Rights



Magna Carta

John, by the grace of God king of England, Lord of Ireland, Duke of Normandy and Aquitaine, and Count of Anjou, to his archbishops, bishops, abbots, earls, barons, justices, foresters, sheriffs, stewards, servants, and to all his officials and loyal subjects. Greeting.

KNOW THAT BEFORE GOD, for the health of our soul and those of our ancestors and heirs, to the honour of God, the exaltation of the holy Church, and the better ordering of our kingdom, at the advice of our reverend fathers Stephen, archbishop of Canterbury, primate of all England, and cardinal of the holy Roman Church, Henry archbishop of Dublin, William bishop of London, Peter bishop of Winchester, Jocelin bishop of Bath and Glastonbury, Hugh bishop of Lincoln, Walter bishop of Worcester, William bishop of Coventry, Benedict bishop of Rochester, Master Pandulf subdeacon and member of the papal household, Brother Aymeric master of the knighthood of the Temple in England, William Marshal earl of Pembroke, William earl of Salisbury, William earl of Warren, William earl of Arundel, Alan de Galloway constable of Scotland, Warin Fitz Gerald, Peter Fitz Herbert, Hubert de Burgh seneschal of Poitou, Hugh de Neville, Matthew Fitz Herbert, Thomas Basset, Alan Basset, Philip Daubeny, Robert de Roppeley, John Marshal, John Fitz Hugh, and other loyal subjects:

1. FIRST, THAT WE HAVE GRANTED TO GOD, and by this present charter have confirmed for us and our heirs in perpetuity, that the English Church shall be free, and shall have its rights undiminished, and its liberties unimpaired. That we wish this so to be observed, appears from the fact that of our own free will, before the outbreak of the present dispute between us and our barons, we granted and confirmed by charter the freedom of the Church's elections – a right reckoned to be of the greatest necessity and importance to it – and caused this to be confirmed by Pope Innocent III. This freedom we shall observe ourselves, and desire to be observed in good faith by our heirs in perpetuity.

TO ALL FREE MEN OF OUR KINGDOM we have also granted, for us and our heirs forever, all the liberties written out below, to have and to keep for them and their heirs, of us and our heirs:

2. If any earl, baron, or other person that holds lands directly of the Crown, for military service, shall die, and at his death his heir shall be of full age and owe a 'relief', the heir shall have his inheritance on payment of the ancient scale of 'relief'. That is to say, the heir of a earl shall pay £100 for the entire earl's barony, the heir or ward of a knight £100, at most for the entire knight's 'fee', and any man that owes less shall pay less, in accordance with the ancient concept of 'fees'.

3. But if the heir of such a person is a minor and a ward, when he comes of age he shall have his inheritance without 'relief' or fine.

4. The guardian of the land of an heir who is a minor may plough only with reasonable revenues, customary dues, and feudal services. He shall do this without destruction or damage to men or property. If we have given the guardianship of the land to a sheriff, or to any person answerable to us for his revenues, and he causes destruction or damage, we will exact compensation from him, and the land shall be entrusted to two worthy and prudent men of the same 'fee', who shall be answerable to us for the revenues, or to the person to whom we have assigned them. If we have given or sold to anyone the guardianship of such land, and he causes destruction or damage, he shall lose the guardianship of it, and it shall be handed over to two worthy and prudent men of the same 'fee', who shall be similarly answerable to us.

5. For so long as a guardian has guardianship of such land, he shall maintain the houses, parks, fish preserves, ponds, mills, and everything else pertaining to it, from the revenues of the land itself. When the heir comes of age, he shall restore the whole land to him, stocked with enough ploughs and such implements of husbandry as the season demands and the revenues from the land can reasonably bear.

6. Heirs may be given in marriage, but not to someone of lower social standing. Before a marriage takes place, it shall be made known to the heir's next-of-kin.

7. At her husband's death, a widow may have her marriage portion and inheritance at once and without trouble. She shall pay nothing for her dower, marriage portion, or any inheritance that she and her husband held jointly on the day of his death. She may remain in her husband's house for forty days after his death, and within this period her dower shall be assigned to her.

8. No widow shall be compelled to marry, so long as she wishes to remain without a husband. But she must give security that she will not marry without royal consent, if she holds her lands of the Crown, or without the consent of whatever other lord she may hold lands of.

9. Neither we nor our officials will seize any land or rent in payment of a debt, so long as the debtor has movable goods sufficient to discharge the debt. A debtor's sureties shall not be distrained upon so long as the debtor himself can discharge his debt. If, for lack of means, the debtor is unable to discharge his debt, his sureties shall be responsible for it. If they so desire, they may have the debtor's lands and rents until they have received satisfaction for the debt that they paid for him, unless the debtor can show that he has settled his obligations to them.

10. If anyone who has borrowed a quantity of money from Jews dies before the debt has been repaid, his heir shall pay no interest on the debt for so long as he remains under age, irrespective of whom he holds his lands from. If such a debt falls into the hands of the Crown, it will take nothing except the principal sum specified in the bond.

11. If a man dies owing money to Jews, his wife may have her dower and pay nothing towards the debt from it. If he has children that are under age, their needs may also be provided for on a scale appropriate to the size of his holding of lands. The debt is to be paid out of the residue, preserving the service due to his feudal lords. Debts owed to persons other than Jews are to be dealt with similarly.

12. No 'scutage' or 'aid' may be levied in our kingdom without its general consent, unless it is for the ransoming of our person, to make our eldest son a knight, and (once) to marry our eldest daughter. For these purposes only a reasonable 'aid' may be levied.

13. The city of London shall enjoy all its ancient liberties and free customs, both by land and by water. We also wish and grant that all other cities, boroughs, towns, and ports shall enjoy all their liberties and free customs.

14. To obtain the general consent of the realm for the assessment of an 'aid' – except in the three cases specified above – or a 'scutage', we will cause the archbishops, bishops, abbots, earls, and greater barons to be summoned individually by letter. To those who hold lands directly of us we will cause a general summons to be issued, through the sheriffs and other officials, to come together on a fixed day (of which at least forty days notice shall be given) and at a fixed place. In all letters of summons, the cause of the summons will be stated. When a summons has been issued, the business appointed for the day shall go forward in accordance with the resolution of those present, even if not all those who were summoned have appeared.

15. In future we will allow no one to levy an 'aid' from his free men, except to ransom his person, to make his eldest son a knight, and (once) to marry his eldest daughter. For these purposes only a reasonable 'aid' may be levied.

16. No man shall be forced to perform more service for a knight's 'fee', or other free holding of land, than is due from it.

17. Ordinary lawsuits shall not follow the royal court around, but shall be held in a fixed place.

18. Inquests of novel disseisin, mort d'ancestor, and darrein presentment shall be taken only in their proper county court. We ourselves, or in our absence abroad our chief justice, will send two justices to each county four times a year, and these justices, with four knights of the county elected by the county itself, shall hold the assizes in the county court, on the day and in the place where the court assembles.

19. If any matters cannot be taken on the day of the county court, or many knights and freeholders shall afterwards remain behind, of those who have attended the court, as will suffice for the adequate taking of justice, having regard to the volume of business to be done.

20. For a misdemeanour, a free man shall be fined only in proportion to the degree of his offence, and for a serious offence correspondingly, but not to the point of depriving him of his livelihood. In the same way, a merchant shall be spared his merchandise, and a husbandman the implements of his husbandry, if they fall upon the mercy of a royal court. None of these fines shall be imposed except by the assessment on oath of reputable men of the neighbourhood.

21. Earls and barons shall be fined only by their equals, and in proportion to the gravity of their offences.

22. A fine imposed upon the lay property of a cleric in such matters shall be assessed upon the same principles, without reference to the value of his ecclesiastical benefice.

23. No town or person shall be forced to build bridges over rivers except those with an ancient obligation to do so.

24. No sheriff, constable, coroners, or other royal officials are to hold pleas that should be held by the royal justices.

25. Every county, hundred, wapentake, and trithing shall remain at the ancient rent, without increase, except the royal demesne manors.

26. If at the death of a man who holds land of the Crown, a sheriff or royal official produces royal letters patent of summons for a debt due to the Crown, it shall be lawful for them to seize and list movable goods found in the city 'fee' of the dead man to the value of the debt, as assessed by worthy men. Nothing shall be removed until the whole debt is paid, when the residue shall be given over to the executors to carry out the dead man's will. If no debt is due to the Crown, all the movable goods shall be regarded as the property of the dead man, except the reasonable shares of his wife and children.

27. If a free man dies intestate, his movable goods are to be distributed by his next-of-kin and friends, under the supervision of the Church. The rights of his sureties are to be preserved.

28. No constable or other royal official shall take corn or other movable goods from any man without immediate payment, unless the seller voluntarily offers postponement of time.

29. No constable may compel a knight to pay money for castle-guard if the knight is willing to undertake the guard in person, or with reasonable excuse to supply some other to do so. A knight taken or sent on military service shall be excused from castle-guard for the period of this service.

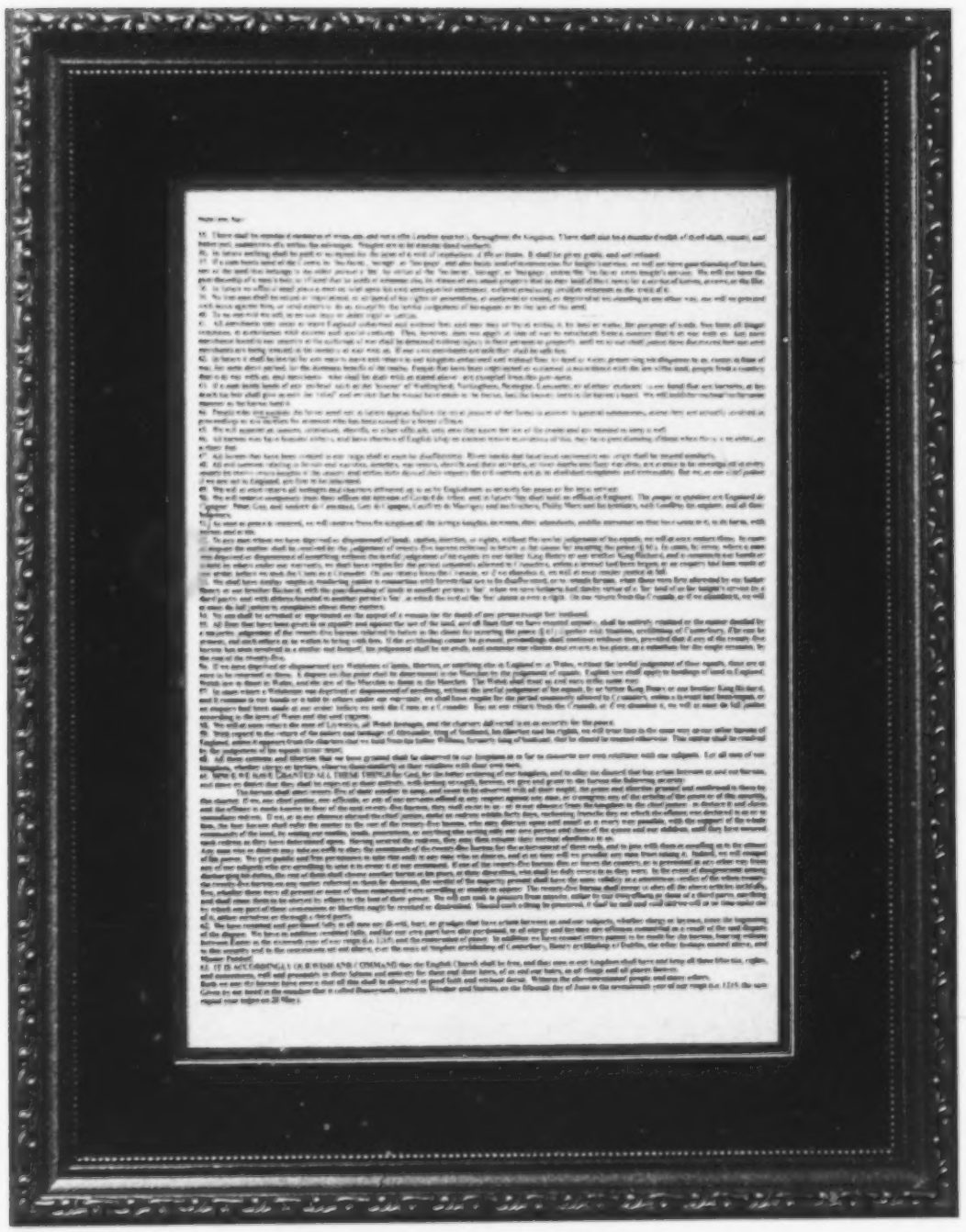
30. No sheriff, royal official, or other person shall take horses or carts for transport from any free man, without his consent.

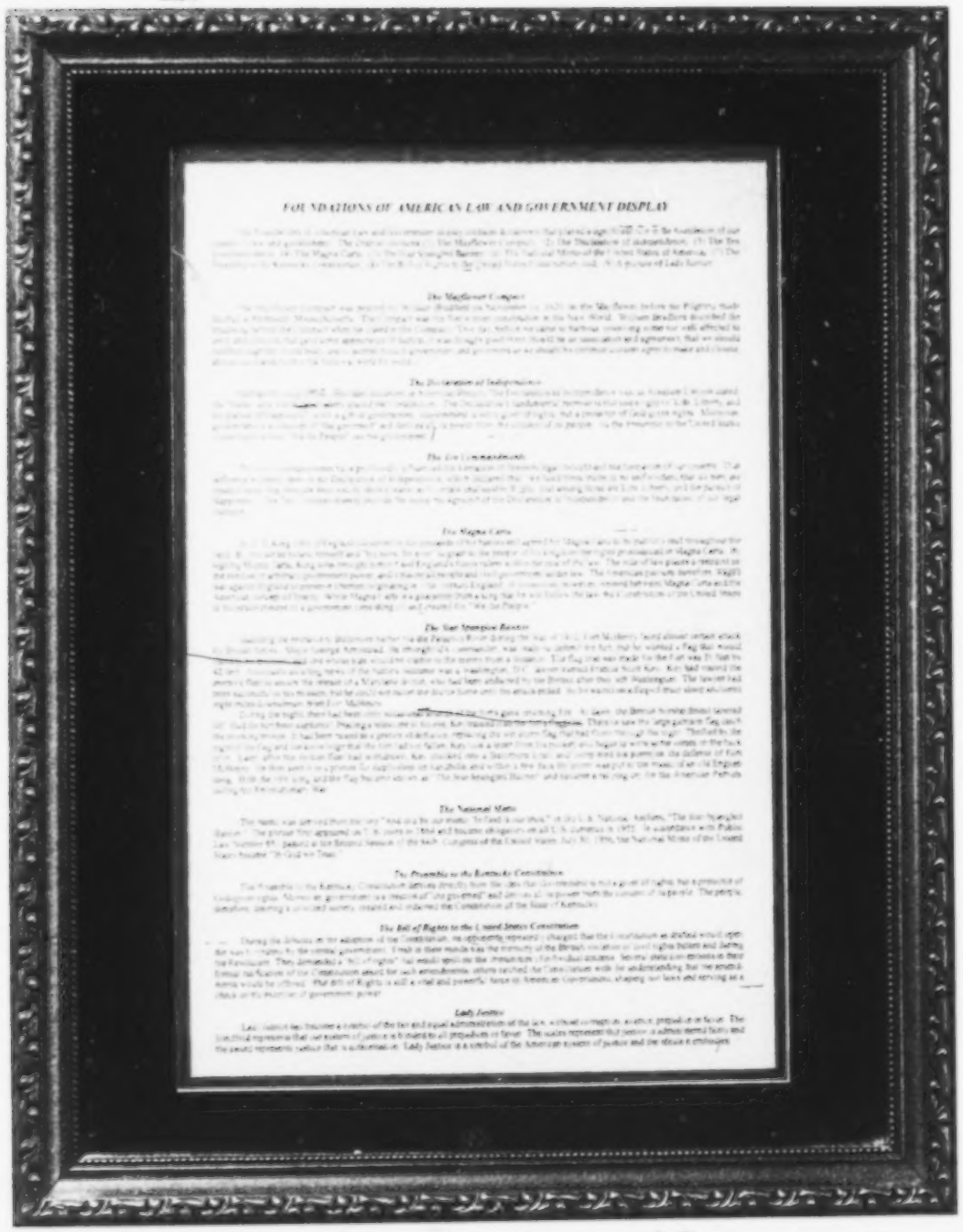
31. Neither we nor any royal official will take wood for our castle, or for any other purpose, without the consent of the owner.

32. We will not keep the lands of people convicted of felony in our hand for longer than a year and a day, after which they shall be returned to the lords of the 'fees' concerned.

33. All fish-weirs shall be removed from the Thames, the Medway, and throughout the whole of England, except on the sea coast.

34. The writ called *praecipe* shall not in future be issued so as to deprive any freeman of the right of trial in his own lord's court.



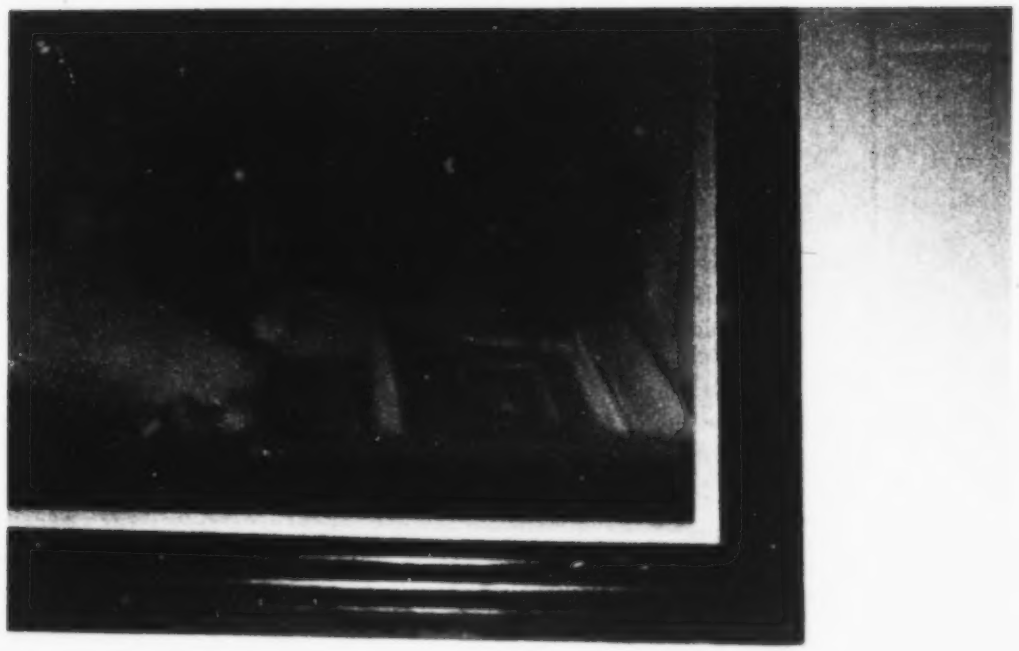


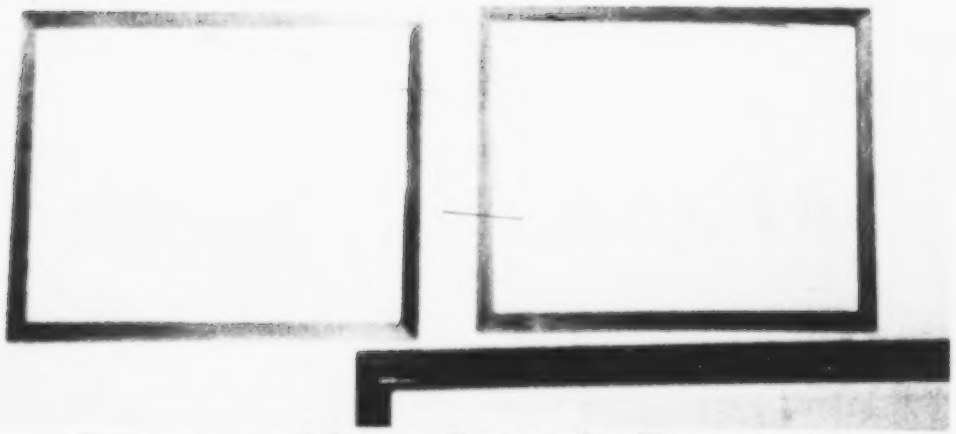
Foundation of American Law and Government

Judge Jimmie Greene With Historical Documents

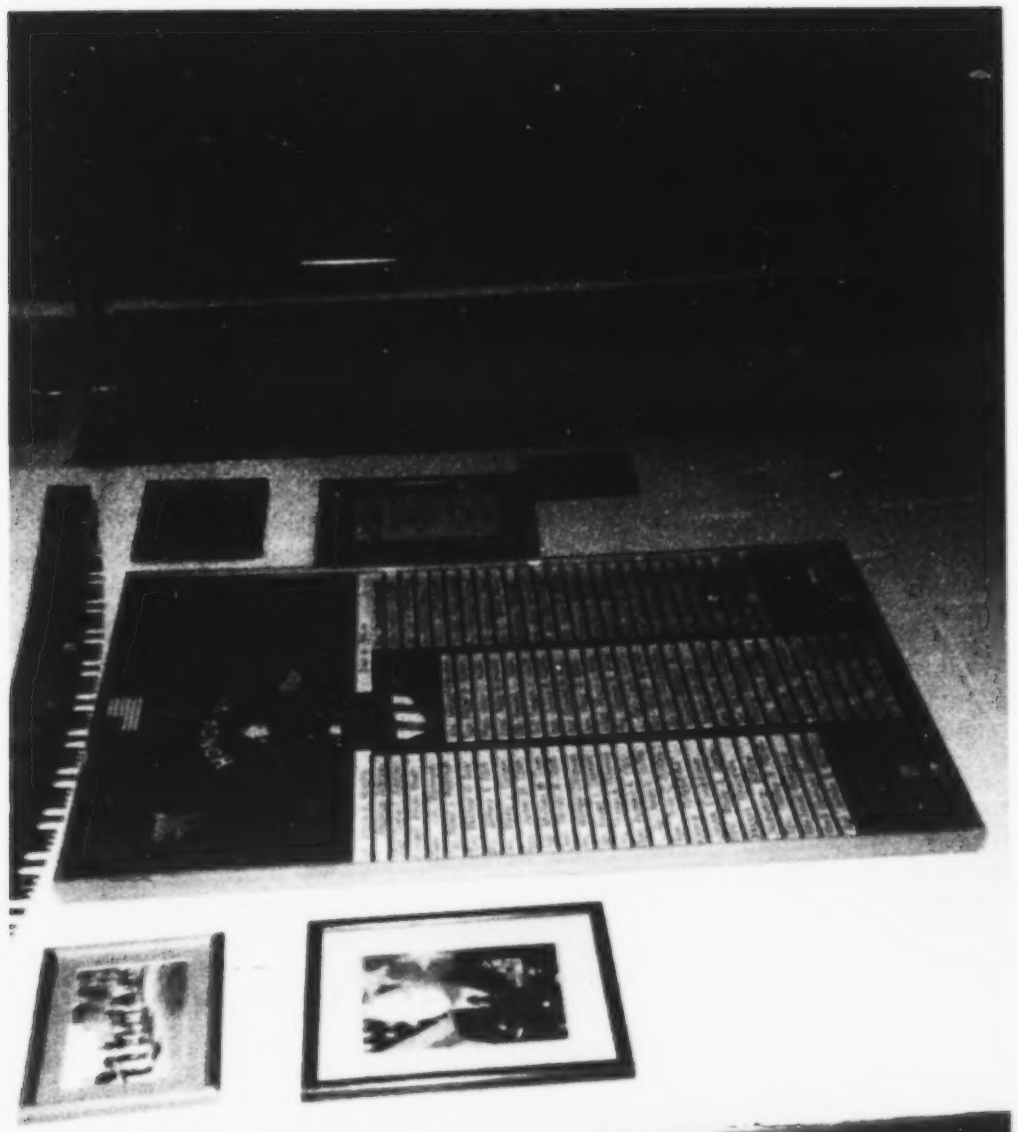
Judge Jimmie Greene With Historical Documents

President Roosevelt Signing
Social Security Documents





Germany and Japan Surrender Documents and Civil War Veteran



Desert Storm Honor Roll and Other Historical Documents

CONCLUSION

Amici curiae respectfully requests this Court to reverse the Sixth Circuit's decision in *ACLU v. McCreary County*.

Respectfully submitted,

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December 8, 2004

PULASKI COUNTY COURTHOUSE

App. 1

Casimir Pulaski 1747–1779
Casimir Pulaski was born on March 4, 1747, outside of Warsaw, Poland. He was one of those heroes who opposed tyranny not only in his homeland, but wherever he found it.
In 1776, hearing of America's war for independence, he sought permission from George Washington and came to help America win her freedom. He was appointed general of the cavalry and fought against the British forces for the next two years.
In 1798, Nicholas Jasper, one of the founders of this county, suggested that the county recognize General Pulaski's supreme sacrifice in naming the area's largest county after him. Jasper, brother and Pulaski were both killed in battle at Savannah, Georgia in 1779.

Casimir Pulaski (1747-1779) and Nicholas Jasper, founders of Pulaski County

App. 2

Pulaski County Courthouses, Past and Present. First Courthouse built in 1801; Second Courthouse built in 1874; Third Courthouse built in 1975

App. 3

Plaque commemorating Civil War battles of Mill Springs and Battle of Dutton's Hill in Pulaski County

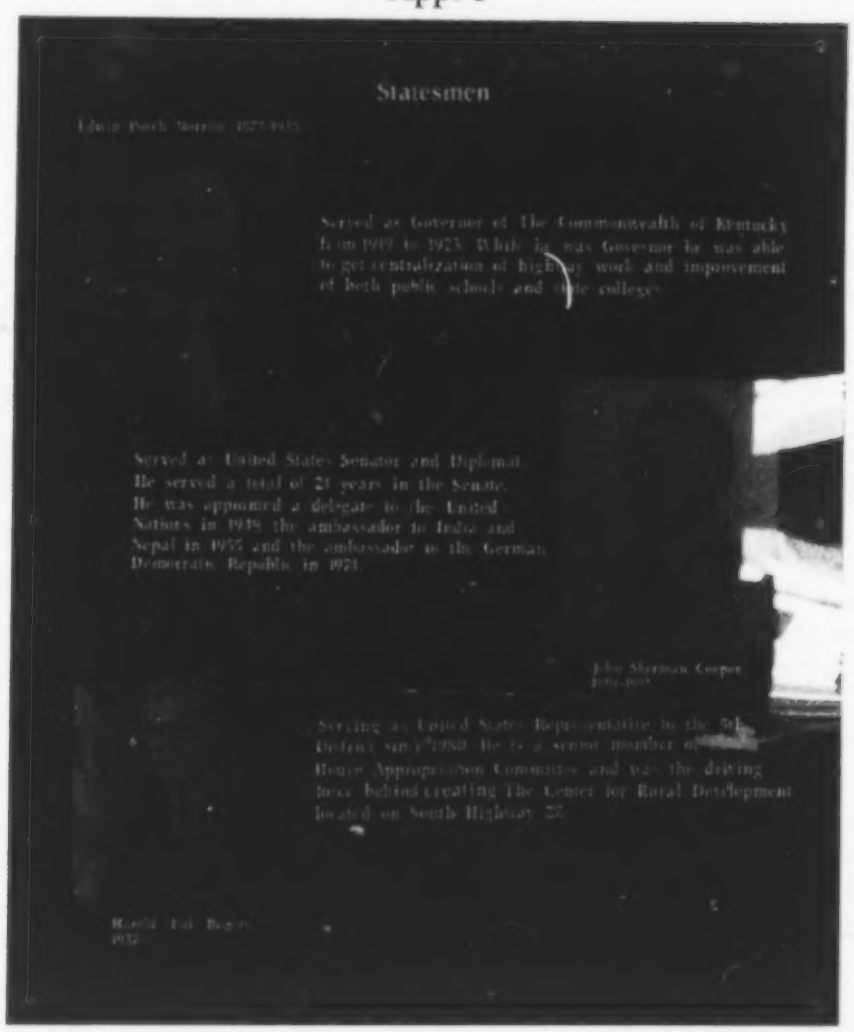
App. 4

Plaque showing early modes of travel

App. 5

Pulaski County artists: Harriet Louise Simpson Arnow (1908-1986), author of "Dollmaker"; Edith Pearl Fitzgerald (1897-1968), playwright who wrote "Chicago"; Todd Duncan (1903-1998), actor in "Porgy and Bess"

App. 6

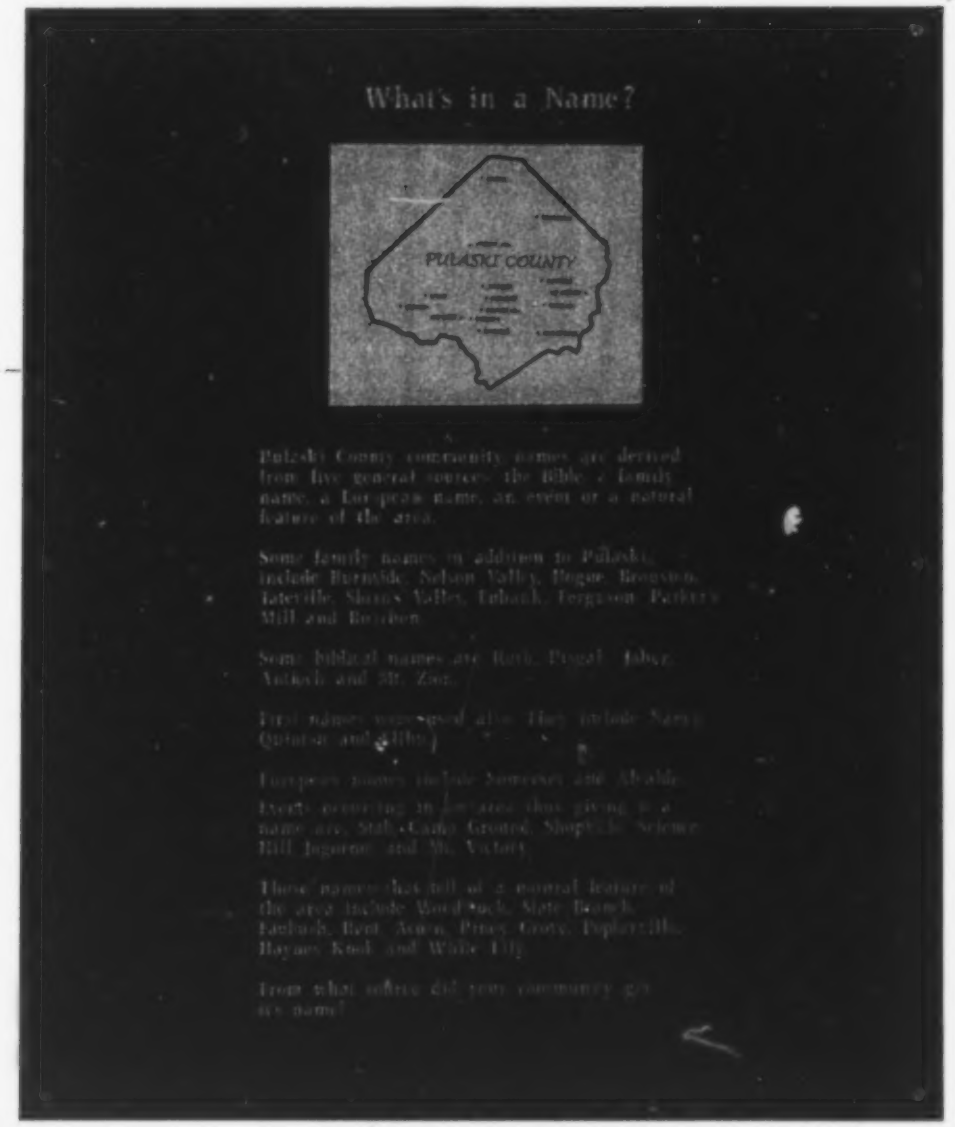

Statesmen
Served as Governor of The Commonwealth of Kentucky from 1919 to 1923. While he was Governor he was able to get centralization of highway work and improvement of both public schools and state colleges.
Served as United States Senator and Diplomat. He served a total of 24 years in the Senate. He was appointed a delegate to the United Nations in 1949, the ambassador to India and Nepal in 1955 and the ambassador to the German Democratic Republic in 1974.
John Sherman Cooper
Serving as United States Representative to the 5th District since 1980. He is a senior member of the House Appropriation Committee and was the driving force behind creating The Center for Rural Development located on South Highway 27.

Statesmen of Pulaski County: Edwin Porch Murrey (1877-1935), Governor of Kentucky from 1919-1923; John Sherman Cooper (1901-1991), United States Senator; Harold "Hal" Rogers (1937-___), United States House of Representatives

App. 7

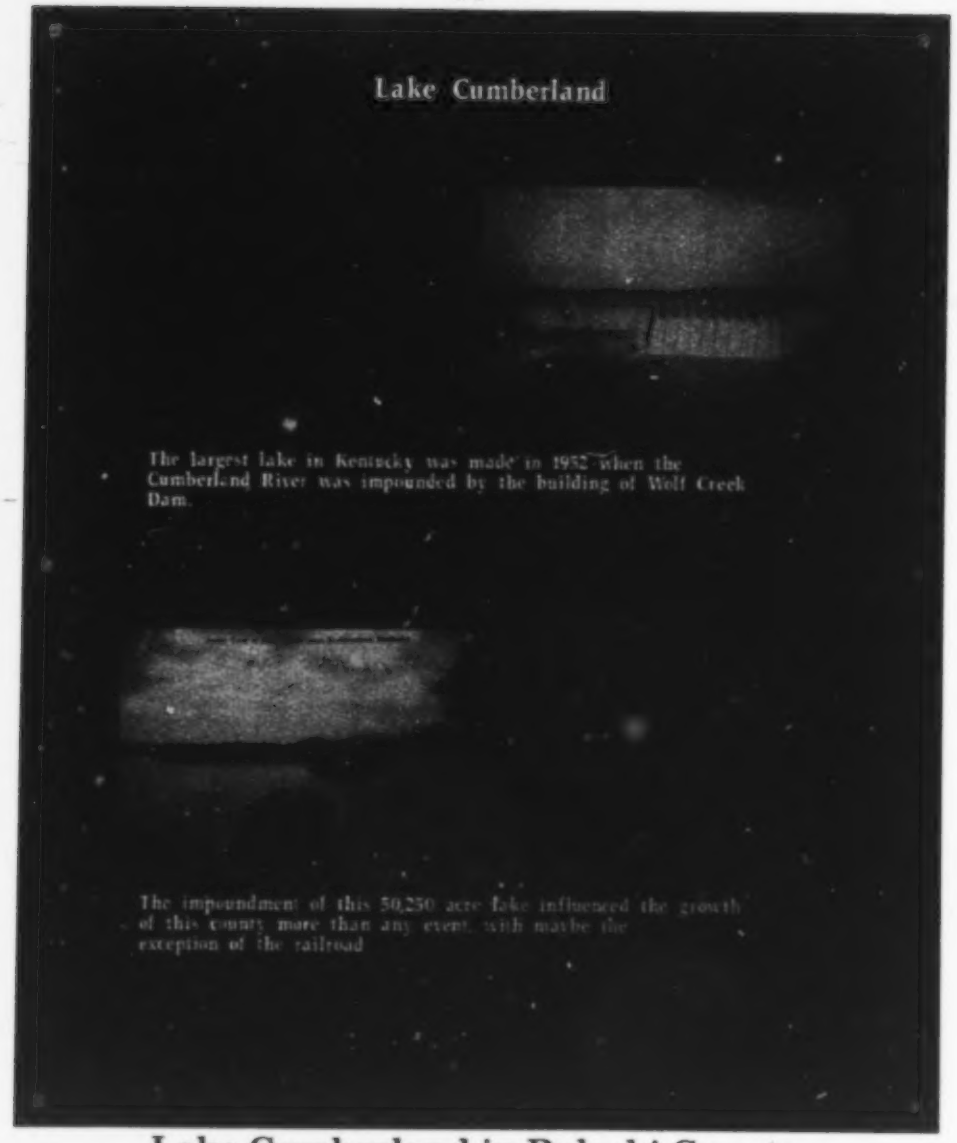
Sergeant Brent Woods, Medal of Honor

App. 8



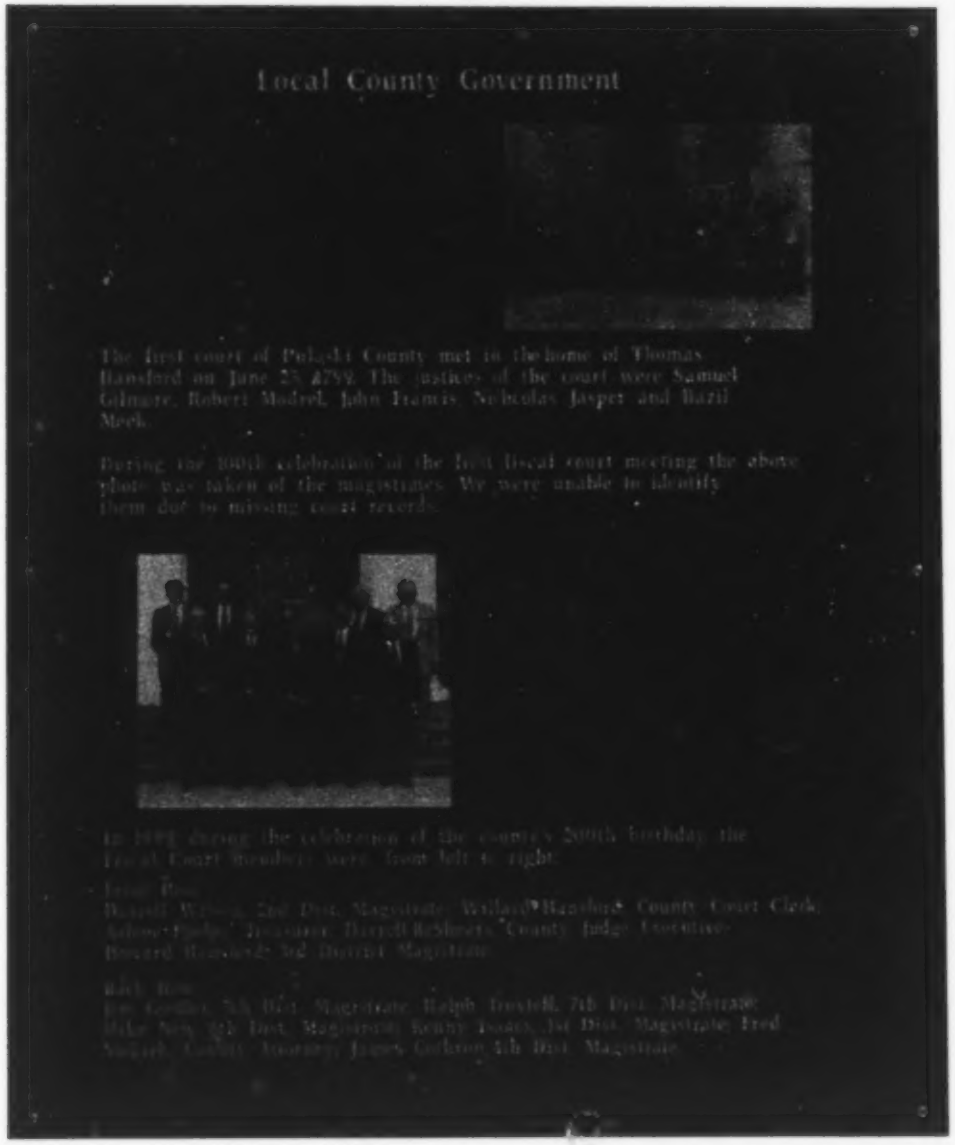
What is in a Name?

App. 9


Lake Cumberland
The largest lake in Kentucky was made in 1952 when the Cumberland River was impounded by the building of Wolf Creek Dam.
The impoundment of this 50,250 acre lake influenced the growth of this county more than any event, with maybe the exception of the railroad

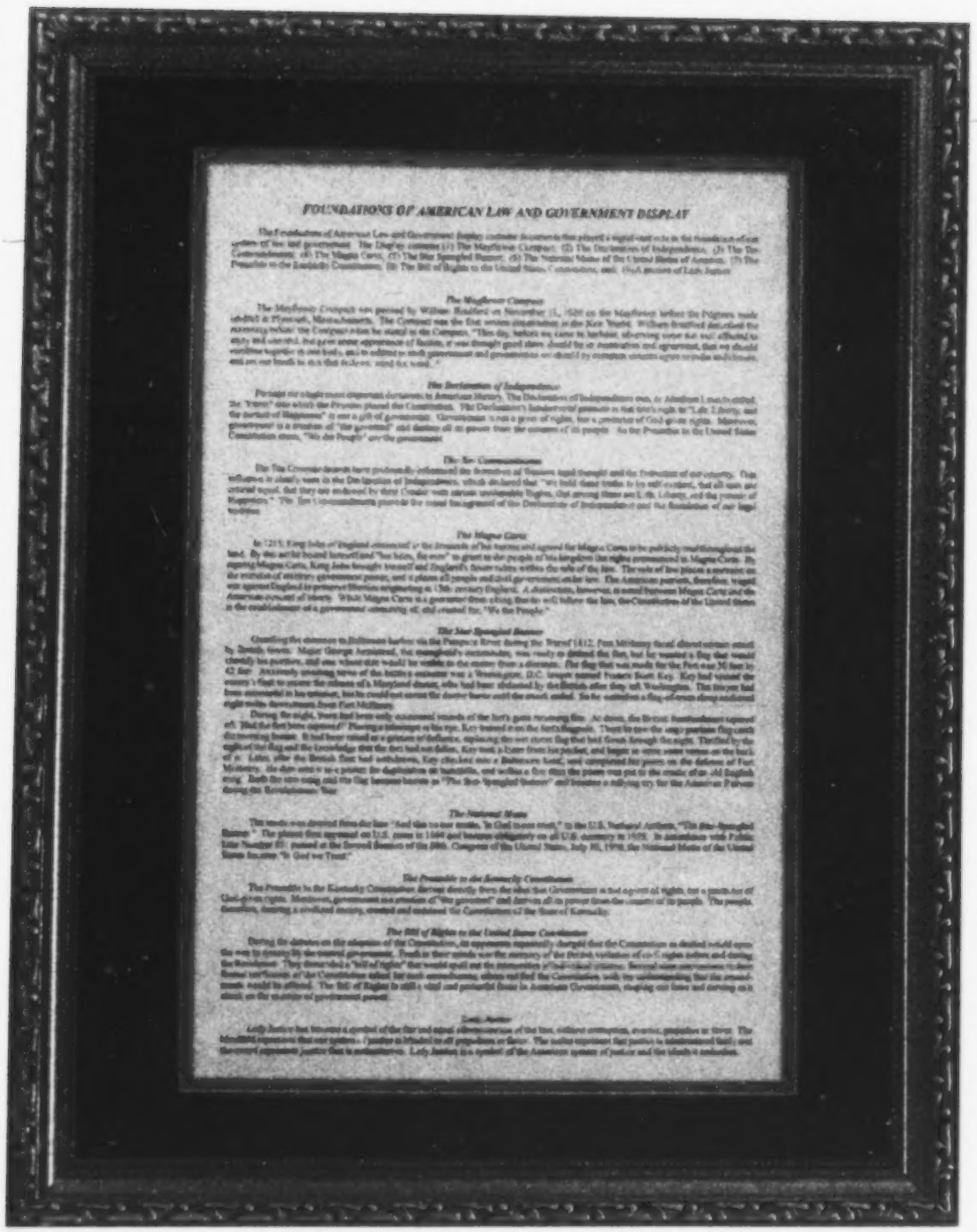
Lake Cumberland in Pulaski County

App. 10


Local County Government
The first court of Pulaski County met in the home of Thomas Bansford on June 25 1799. The justices of the court were Samuel Gilmore, Robert Modrel, John Francis Nicholas Jasper and Bazil Meek.
During the 100th celebration of the first fiscal court meeting the above photo was taken of the magistrates. We were unable to identify them due to missing court records.
In 1992 during the celebration of the county's 200th birthday, the Fiscal Court members were, from left to right:

Local County Government

App. 11



FOUNDATIONS OF AMERICAN LAW AND GOVERNMENT DISPLAY

The Foundations of American Law and Government display contains documents that played a significant role in the foundation of our system of law and government. The display contains (1) The Mayflower Compact; (2) The Declaration of Independence; (3) The Ten Commandments; (4) The Magna Carta; (5) The Star Spangled Banner; (6) The Northwest Ordinance of the United States of America; (7) The Preamble to the Kentucky Constitution; (8) The Bill of Rights to the United States Constitution; and, (9) A statute of Lady Justice.

The Mayflower Compact

The Mayflower Compact was penned by William Bradford on November 11, 1620 as the Mayflower harbor for Pilgrims made landfall in Provincetown, Massachusetts. The Compact was the first written constitution in the New World. William Bradford described the necessity behind the Compact when he stated in the Compact, "This day, before we came to harbor, observing some not well affected to unity and concord, but gave some appearance of faction, it was thought good there should be an association and agreement, that we should combine together in one body, and to submit to such government and governors as we should by common consent agree to make and choose, and set over us both to rule and govern, and for more.."

The Declaration of Independence

Perhaps the single most important document in American History. The Declaration of Independence was, as Abraham Lincoln stated, the "Fount" that which the Framers placed the Constitution. The Declaration's fundamental premise is that man's right to "Life, Liberty, and the pursuit of Happiness" is not a gift of government. Government is not a grant of rights, but a protector of God-given rights. Moreover, government is a creation of "the governed" and derives all its power from the consent of its people. So the Preamble to the United States Constitution states, "We the People" are the government.

The Ten Commandments

The Ten Commandments have profoundly influenced the formation of Western legal thought and the Federalism of our country. This influence is clearly seen in the Declaration of Independence, which declared that "we hold these truths to be self-evident, that all men are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness." The Ten Commandments provide the moral background of the Declaration of Independence and the foundation of our legal traditions.

The Magna Carta

In 1215, King John of England consented to the demands of his barons and agreed the Magna Carta, to be publicly read throughout the land. By this act he bound himself and "his heirs, forever" to grant to the people of his kingdom the rights pronounced in Magna Carta. By signing Magna Carta, King John brought himself and England's future rulers within the rule of the law. The rule of law places a restraint on the exercise of arbitrary governmental power, and it places all people and civil government under law. The American patriots, therefore, waged war against England to preserve liberties originating in 13th century England. A distinction, however, is noted between Magna Carta and the American concept of liberty. While Magna Carta is a guarantee from a King that he will follow the law, the Constitution of the United States is the establishment of a government consisting of, and created for, "We the People."

The Star Spangled Banner

Guarding the entrance to Baltimore harbor via the Patapsco River during the War of 1812, Fort McHenry faced distant retreat attack by British forces. Major George Armistead, the stouthearted commander, was ready to defend the fort, but he wanted a flag that would clearly let everyone, and one whom that would be visible to the enemy from a distance. The flag that was made for the Fort was 30 feet by 42 feet. Awakened morning survey of the battle's outcome was a "broken glory." Washington, D.C. lawyer named Francis Scott Key. Key had viewed the enemy's fight to secure the release of a Maryland citizen, who had been abducted by the British after they left Washington. This lawyer had been successful in his mission, but he could not assist the doctor better until the attack ended. So he watched a flag of seven strong and proud eight miles downstream from Fort McHenry.

During the night, Yours had been only occasional sounds of the fort's guns screaming fire. At dawn, the British bombardment ceased and "Had the fort been captured?" Peering a telescope to his eye, Key trained it on the fort's flagpole. There he saw the large garrison flag catch the morning breeze. It had been raised as a gesture of defiance, replacing the war storm flag that had flown through the night. Thrilled by the sight of the flag and the knowledge that the fort had not fallen, Key took a letter from his pocket, and began to write some verses on the back of it. Later, after the British fleet had withdrawn, Key checked into a Baltimore hotel, and completed his poem on the defense of Fort McHenry. He then sent it to a printer for duplication as handbills, and within a few days the poem was put to the music of an old English song. Both the verse song and the flag became known as "The Star-Spangled Banner" and became a rallying cry for the American Patriots during the Revolutionary War.

The National Motto

The words were derived from the line "And this we our motto, 'In God is our trust,'" in the U.S. National Anthem, "The Star-Spangled Banner." The phrase first appeared on U.S. coins in 1864 and became obligatory on all U.S. currency in 1938. In accordance with Public Law Number 85 - passed at the Second Session of the 84th Congress of the United States, July 30, 1956, the National Motto of the United States became "In God we Trust."

The Preamble to the Kentucky Constitution

The Preamble to the Kentucky Constitution declares directly there that what that Government is not a grant of rights, but a protector of God-given rights. Moreover, government as a creation of "the governed" and derives all its power from the consent of its people. The people, therefore, desiring a civilized society, created and ordained the Constitution of the State of Kentucky.

The Bill of Rights to the United States Constitution

During the debates on the adoption of the Constitution, its opponents repeatedly charged that the Constitution as drafted would open the way to tyranny by the federal government. Fresh in their minds was the memory of the British violation of civil rights before and during the Revolution. They demanded a "bill of rights" that would spell out the immunities of individual citizens. Several state conventions in their formal ratification of the Constitution called for such amendments, others ratified the Constitution with the understanding that this amendments would be offered. The Bill of Rights is still a vital and profanified force in American Government, shaping our laws and serving as a check on the exercise of government power.

Lady Justice

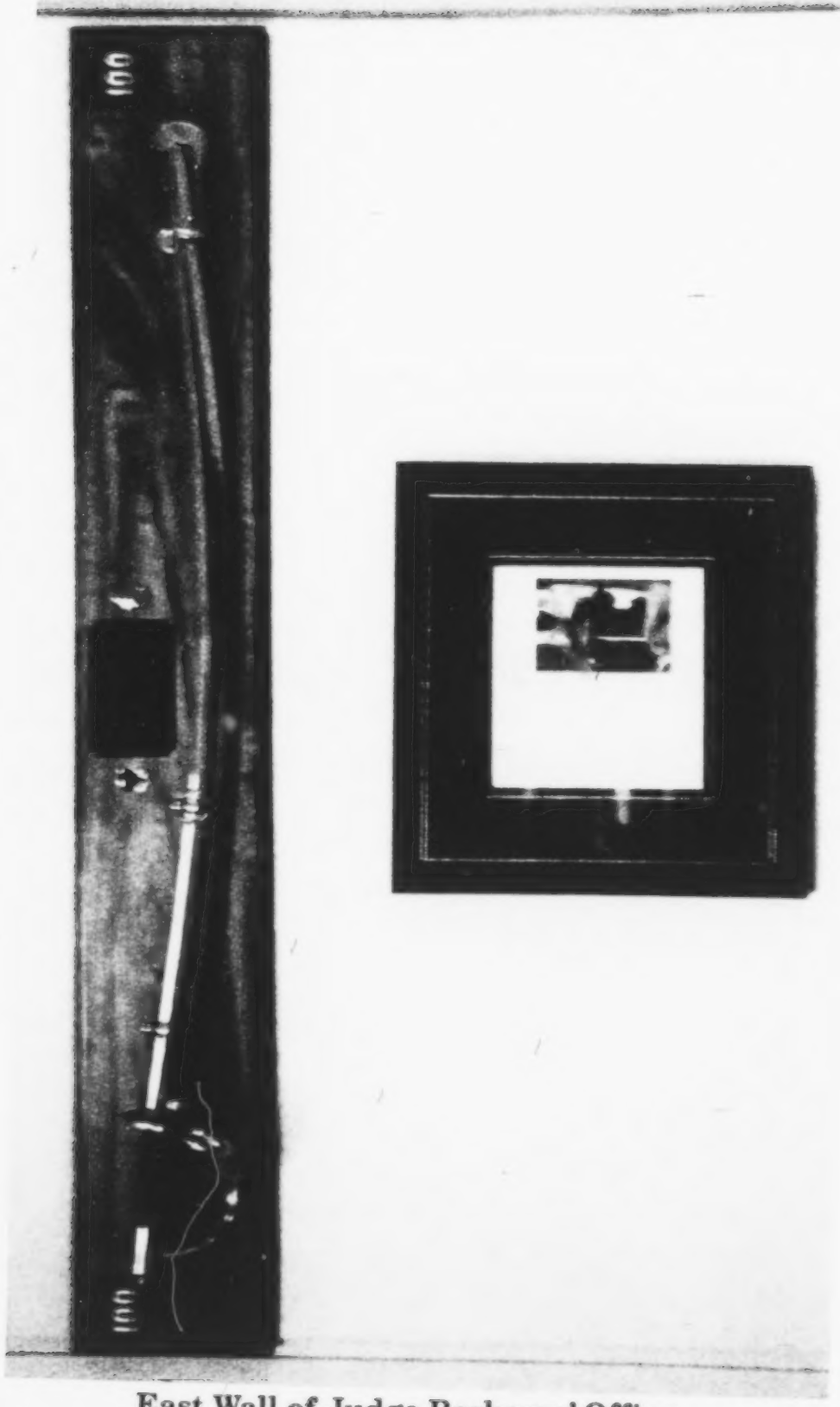
Lady Justice has become a symbol of the fair and equal administration of the law, without corruption, evasion, prejudice or favor. The blindfold represents that our system of justice is blinded to all prejudices or favor. The scales represent that justice is administered fairly, and the sword represents justice that is authoritative. Lady Justice is a symbol of the American system of justice and the ideals it embodies.

Foundations of American Law

App. 12

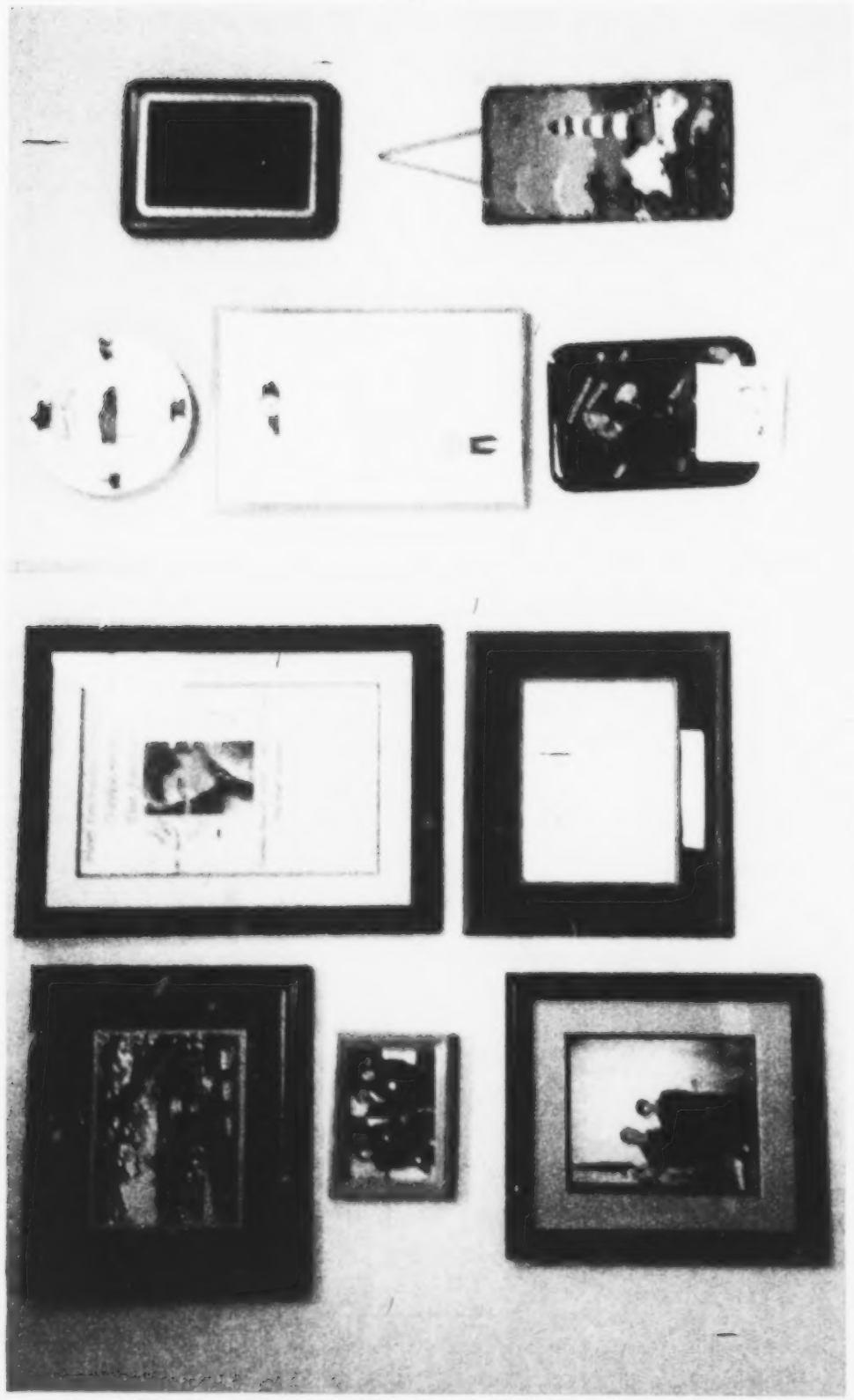
West Wall of Judge Beshears' Office containing various historical documents

App. 13



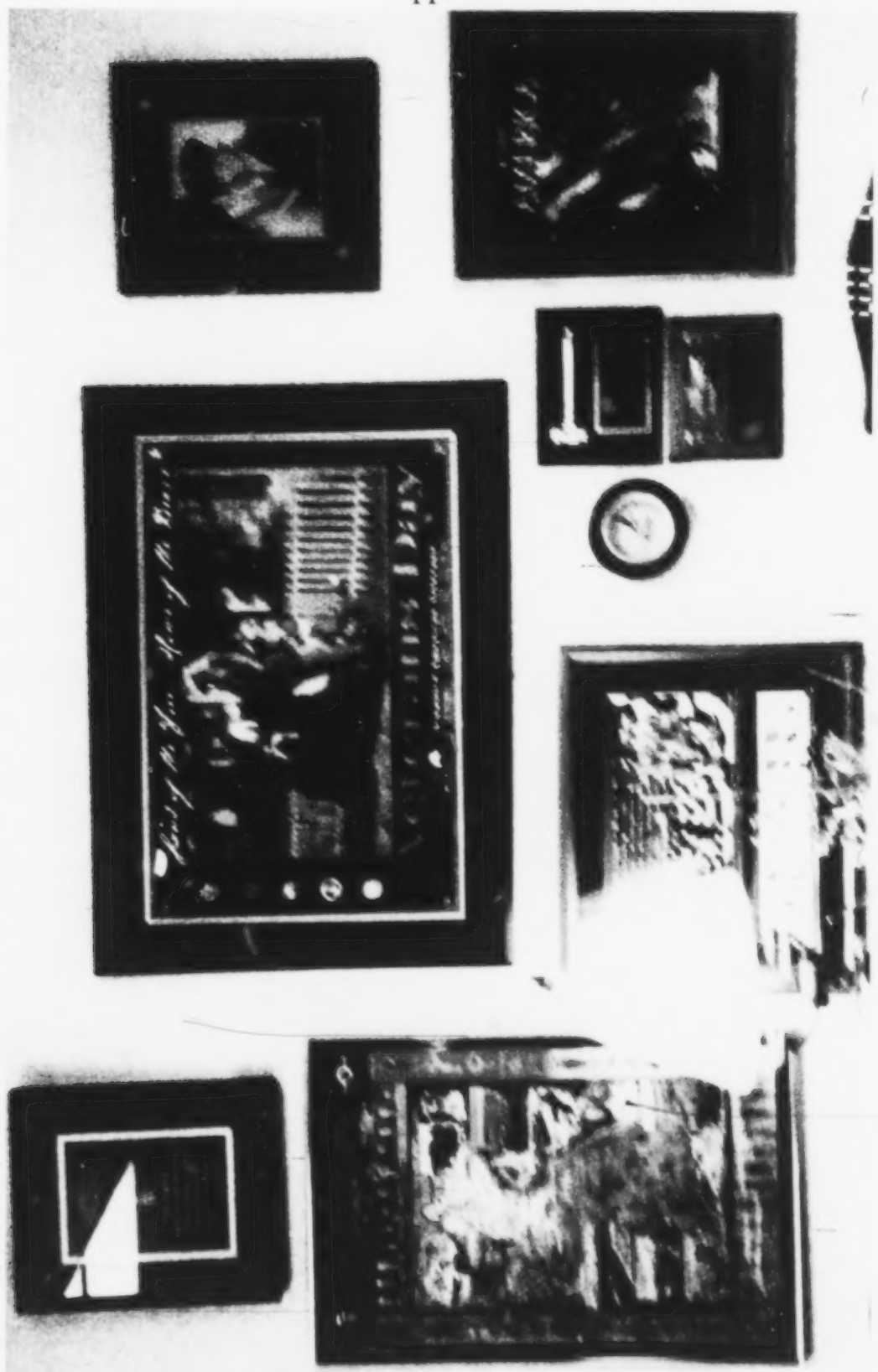
East Wall of Judge Beshears' Office

App. 14



East Wall of Judge Beshears' Office Continued

App. 15



Military Wall in Judge Beshears' office

App. 16

9/11 Picture by Fred Thrasher in Fiscal Courtroom

App. 17

Map of Kentucky in Fiscal Courtroom

App. 18

Eagle in Fiscal Courtroom

App. 19

Flag Honoring Firefighters in Fiscal Courtroom

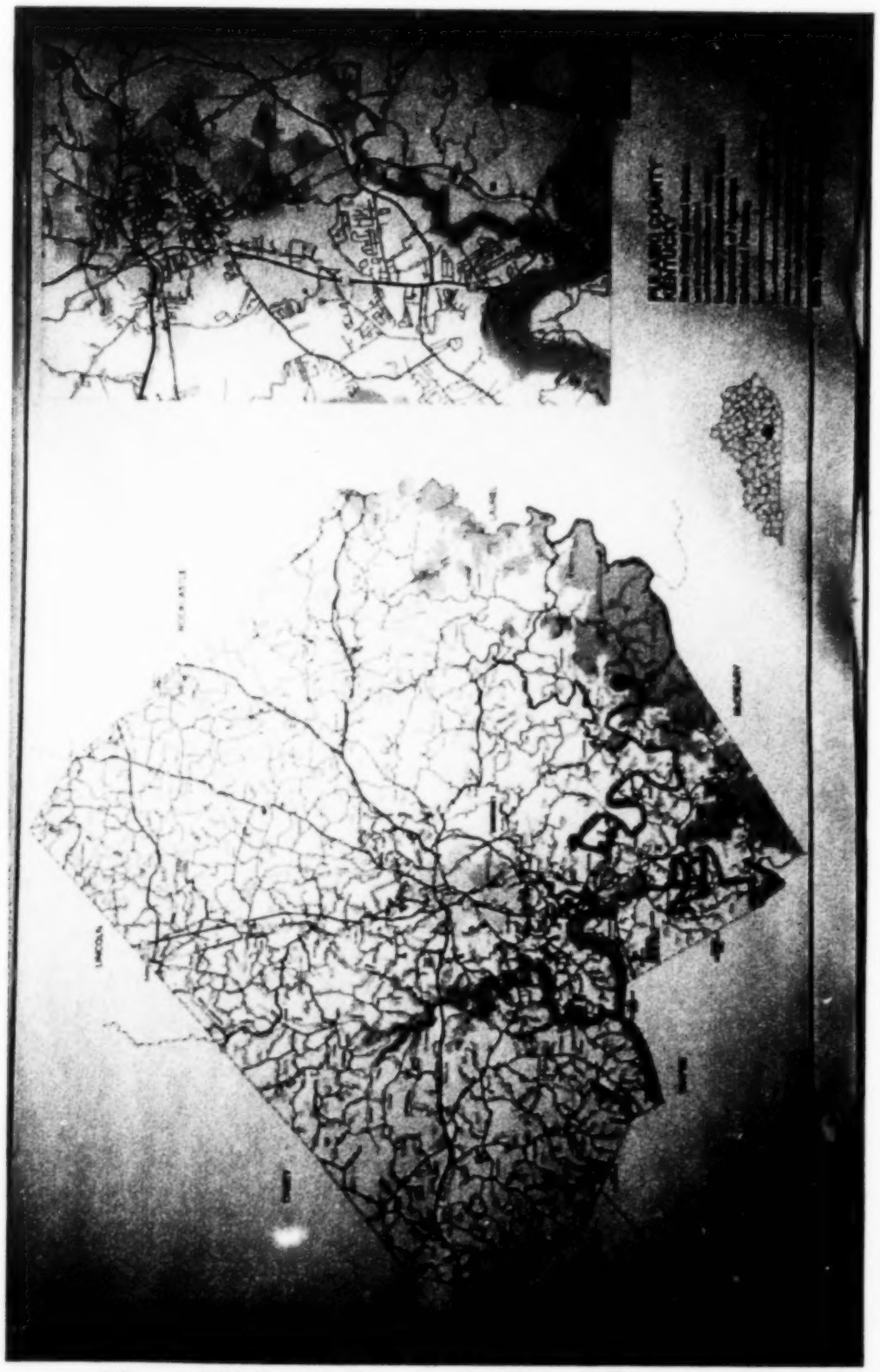
App. 20

Judges of Pulaski County in Fiscal Courtroom

App. 21

Judges of Pulaski County in Fiscal Courtroom

App. 22



Map of Pulaski County in Fiscal Courtroom